U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

Ms. Terri Benskin
COO & Executive Vice President
LEDIC Realty Company, LLC
105 Tallapoosa St., Suite 300
Montgomery, AL 36104

SEP 3 0 2016

Re: CPF No. 2-2016-0001
CPF No. 2-2016-0002

Dear Ms. Benskin:

Enclosed please find the Final Order issued in the above-referenced cases. It makes findings of violations and specifies actions that need to be taken by LEDIC Realty Company, LLC to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Southern Region, this enforcement action will be closed. Service of the Final Order by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Acting Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. James A. Urisko, Director, Southern Region, OPS
Ms. Debbie Workman, Director, LEDIC Realty Company, LLC

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590

In the Matter of	)	
LEDIC Realty Company, LLC,	)	**CPF No. 2-2016-0001** **CPF No. 2-2016-0002**
Respondent.	)	

FINAL ORDER

On December 15-16, 2015, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of LEDIC Realty Company, LLC (LEDIC or Respondent) in Jacksonville, Florida. LEDIC operates the Eureka Gardens master meter system that provides natural gas to approximately 400 customers in the Eureka Gardens I and Eureka Gardens II apartment complexes.[1] Each apartment complex has its own master meter which are tied together and feed to make a single system.[2] LEDIC also operates the Washington Heights master meter system that provides natural gas to approximately 200 customers.[3]

As a result of the inspection, the Director, Southern Region, OPS (Director), issued to Respondent, by letter dated May 10, 2016, a Notice of Probable Violation and Proposed Compliance Order (Notice), which also included a warning pursuant to 49 C.F.R. § 190.205. In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that LEDIC had committed various violations of 49 C.F.R. Part 192 and proposed ordering Respondent to take certain measures to correct the alleged violations. The warning items required no further action, but warned the operator to correct the probable violation or face possible enforcement action.[4]

Respondent failed to respond within 30 days of receipt of service of the Notice. Under 49 C.F.R. § 190.208(d), such failure to respond constitutes a waiver of LEDIC's right to contest the

---

[1] Pipeline Safety Violation Report (Violation Report), (May 5, 2016) (on file with PHMSA), at 1.

[2] *Id.*

[3] *Id.*

[4] CPF No. 2-2016-0001 refers to probable violations on the Eureka Gardens pipeline system, Items 1 through 13; CPF No. 2-2016-0002 refers to probable violations on the Washington Heights pipeline system, Items 3 through 8, and 10 through 13.

allegations in the Notice and authorizes the Associate Administrator, without further notice, to find facts as alleged in the Notice and to issue this Final Order under § 190.213. In this case, the Notice was mailed to Respondent by certified mail (USPS Article No. 7012 2210 0001 9165 4184) on May 10, 2016, and was received by Respondent on May 13, 2016, as shown by the return receipt on file with PHMSA. Southern Region contacted LEDIC by telephone on June 14, 2016, to determine whether LEDIC had sent a response, and to remind LEDIC of its right to respond. To date, Respondent has not responded to the Notice. Under such circumstances, I find it reasonable and appropriate to enter this Final Order without further proceedings.[5]

FINDINGS OF VIOLATION

LEDIC did not contest the allegations in the Notice that it violated 49 C.F.R. Part 192, as follows:

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 192.355(b), which states in relevant part:

> **§ 192.355 Customer meters and regulators: Protection from damage.**
> (a) . . . .
> (b) *Service regulator vents and relief vents.* Service regulator vents and relief vents must terminate outdoors, and the outdoor terminal must—
> (1) Be rain and insect resistant;
> (2) Be located at a place where gas from the vent can escape freely into the atmosphere and away from any opening into the building . . .

The Notice alleged that Respondent violated 49 C.F.R. § 192.355(b) by failing to install service regulator vents and relief vents with outdoor terminals that were rain and insect resistant and were located at a place where gas from the vent can escape freely into the atmosphere and away from any opening into the building. Specifically, the Notice alleged that LEDIC's Eureka Gardens building 14 had a service regulator relief vent positioned such that it would allow water to enter and stay in the regulator. Additionally, the service regulator relief vent did not have screens in place to prevent insects from entering the regulator, and was installed under a window near an opening into the building.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.355(b) by failing to install service regulator vents and relief vents with outdoor terminals that were rain and insect resistant and located at a place where gas from the vent can escape freely into the atmosphere and away from any opening into the building.

---

[5] *In the Matter of Tampa Pipeline Corporation*, Final Order, CPF No. 2-2008-6002 (April 26, 2010), 2010 WL 6531627, (D.O.T.), August 27, 2010; *see also*, *In the Matter of Tampa Bay Pipeline Corporation*, Final Order, CPF No. 2-2005-6012 (Dec. 1, 2006), 2008 WL 902910 (D.O.T.), March 31, 2008. (available at www.phmsa.dot.gov/pipeline/enforcement).

Item 3: The Notice alleged that Respondent violated 49 C.F.R. § 192.463(a), which states:

> **§ 192.463 External corrosion control: Cathodic protection.**
> (a) Each cathodic protection system required by this subpart must provide a level of cathodic protection that complies with one or more of the applicable criteria contained in appendix D of this part. If none of these criteria is applicable, the cathodic protection system must provide a level of cathodic protection at least equal to that provided by compliance with one or more of these criteria.

The Notice alleged that Respondent violated 49 C.F.R. § 192.463(a) by failing to ensure that each cathodic protection system provided a level of cathodic protection that complies with one or more of the applicable criteria contained in appendix D of 49 C.F.R. Part 192. Specifically, the Notice alleged that at the time of the inspection, the rectifier on the system was not operational and cathodic protection pipe-to-soil (p/s) readings were low,[6] which indicated inadequate levels of cathodic protection. Low p/s readings were found on: mains at the Eureka Gardens I master meter, ranging from -0.518V to -0.514V; service line risers at Eureka Gardens I buildings 2 and 14, ranging from -0.518V to -0.490V; main at the Eureka Gardens II master meter, which read -0.511V; service line risers at Eureka Gardens II buildings 28 and 32, ranging from -0.524V to -0.507V; mains at the Washington Heights master meter, ranging from -0.480V to -0.435V; and service line risers at Washington Heights buildings H, I, and T, ranging from -0.430V to -0.360V. Additionally, LEDIC did not have any records to show when the cathodic protection system stopped providing an adequate level of cathodic protection.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.463(a) by failing to ensure that each cathodic protection system provided a level of cathodic protection that complies with one or more of the applicable criteria contained in appendix D of 49 C.F.R. Part 192.

Item 6: The Notice alleged that Respondent violated 49 C.F.R. § 192.605(a), which states:

> **§ 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.

The Notice alleged that Respondent violated 49 C.F.R. § 192.605(a) by failing to prepare and

---

[6] The applicable criterion for cathodic protection contained in appendix D of 49 C.F.R. Part 192 states, "[a] negative (cathodic) voltage of at least 0.85 volt (V), with reference to a saturated copper-copper sulfate half cell. . . ."

follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. Specifically, the Notice alleged that at the time of the inspection, the PHMSA inspector requested LEDIC's written procedures manual for operations, maintenance, and emergencies for its Eureka Gardens and Washington Heights master meter systems. The LEDIC representative informed the inspector that LEDIC did not have a manual of written procedures.

The manual required by § 192.605(a) should have included procedures pertaining to master meter systems in accordance with:

§ 192.605(b)(1) for operating, maintaining, and repairing the pipeline in accordance with Part 192, Subparts L and M;

§ 192.605(b)(2) for controlling corrosion in accordance with the operations and maintenance requirements of Part 192, Subpart I;

§ 192.605(b)(3) for making construction records, maps, and operating history available to appropriate operating personnel;

§ 192.605(b)(4) for gathering of data needed for reporting incidents under 49 C.F.R. Part 191 in a timely and effective manner;

§ 192.605(b)(8) for periodically reviewing the work done by operator personnel to determine the effectiveness and adequacy of the procedures used in normal operation and maintenance, and modifying the procedures when deficiencies are found;

§ 192.605(b)(9) for taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available, when needed at the excavation, emergency rescue equipment, including a breathing apparatus, and a rescue harness and line;

§ 192.605(b)(11) for responding promptly to a report of a gas odor inside or near a building, unless the operator's emergency procedures under § 192.615(a)(3) specifically apply to these reports; and

§ 192.605(e) for continuing surveillance, in accordance with § 192.613(a), emergency response, in accordance with § 192.615, and investigation of failures, in accordance with § 192.617.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.605(a) by failing to prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response.

Item 7: The Notice alleged that Respondent violated 49 C.F.R. § 192.614(b), which states:

> **§ 192.614 Damage prevention program.**
>
> (a) . . . .
>
> (b) An operator may comply with any of the requirements of paragraph (c) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of paragraph (c)(3) of this section through participation in a one-call system, if that

> one-call system is a qualified one-call system. In areas that are covered by more than one qualified one-call system, an operator need only join one of the qualified one-call systems if there is a central telephone number for excavators to call for excavation activities, or if the one-call systems in those areas communicate with one another. An operator's pipeline system must be covered by a qualified one-call system where there is one in place. For the purpose of this section, a one-call system is considered a "qualified one-call system" if it meets the requirements of section (b)(1) or (b)(2) of this section. . . .
>
> (c) The damage prevention program required by paragraph (a) of this section must, at a minimum:
>
> (1) . . . .
>
> (3) Provide a means of receiving and recording notification of planned excavation activities.

The Notice alleged that Respondent violated 49 C.F.R. § 192.614(b) by failing to participate in a qualified one-call system. Specifically, the Notice alleged that LEDIC did not provide a means of receiving and recording notification of planned excavation activities in accordance with § 192.614(c)(3) through participation in a qualified one-call system. Section 192.614(b) requires an operator's pipeline system to be covered by a qualified one-call system where there is one in place. Florida's Sunshine 811 is a qualified one-call system. At the time of the inspection, the PHMSA inspector requested documentation to demonstrate LEDIC has registered its Eureka Gardens and Washington Heights master meter systems with Sunshine 811. The LEDIC representative informed the inspector that LEDIC was not aware of the damage prevention requirements.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.614(b) by failing to participate in a qualified one-call system.

Item 8: The Notice alleged that Respondent violated 49 C.F.R. § 192.616(j), which states:

> **§ 192.616 Public awareness.**
>
> (a) . . . .
>
> (j) Unless the operator transports gas a primary activity, the operator of a master meter or petroleum gas system is not required to develop a public awareness program as prescribed in paragraphs (a) through (g) of this section. Instead the operator must develop and implement a written procedure to provide its customers public awareness messages twice annually. If the master meter or petroleum gas system is located on property the operator does not control, the operator must provide similar messages twice annually to persons controlling the property. The public awareness message must include:
>
> (1) A description of the purpose and reliability of the pipeline;
>
> (2) An overview of the hazards of the pipeline and prevention measures used;
>
> (3) Information about damage prevention;
>
> (4) How to recognize and respond to a leak; and

(5) How to get additional information.

The Notice alleged that Respondent violated 49 C.F.R. § 192.616(j) by failing to develop and implement a written procedure to provide its customers public awareness messages twice annually. Specifically, the Notice alleged that at the time of the inspection, the PHMSA inspector requested LEDIC's written procedure for providing its Eureka Gardens and Washington Heights master meter customers public awareness messages. The LEDIC representative informed the inspector that LEDIC did not have written procedures for providing its customers public awareness messages.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.616(j) by failing to develop and implement a written procedure to provide its customers public awareness messages twice annually.

Item 9: The Notice alleged that Respondent violated 49 C.F.R. § 192.707(a), which states in relevant part:

§ 192.707 Line markers for mains and transmission lines.

(a) *Buried pipelines.* Except as provided in paragraph (b) of this section, a line marker must be placed and maintained as close as practical over each buried main and transmission line:

(1) At each crossing of a public road and railroad . . . .

The Notice alleged that Respondent violated 49 C.F.R. § 192.707(a) by failing to place and maintain a line marker as close as practical over each buried main line at each crossing of a public road. Specifically, the Notice alleged that at the time of the inspection, the PHMSA inspector observed that there were no pipeline markers on Hollycrest Drive where the main crossed from Eureka Gardens I to Eureka Gardens II.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.707(a) by failing to place and maintain a line marker as close as practical over each buried main line at each crossing of a public road.

Item 11: The Notice alleged that Respondent violated 49 C.F.R. § 192.805, which states:

§ 192.805 Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(a) Identify covered tasks;

(b) Ensure through evaluation that individuals performing covered tasks are qualified;

(c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified;

(d) Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in Part 191;

(e) Evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task;

(f) Communicate changes that affect covered tasks to individuals performing those covered tasks;

(g) Identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed;

(h) After December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities; and

(i) After December 16, 2004, notify the Administrator or a state agency participating under 49 U.S.C. Chapter 601 if the operator significantly modifies the program after the Administrator or state agency has verified that it complies with this section.

The Notice alleged that Respondent violated 49 C.F.R. § 192.805 by failing to have and follow a written qualification program. Specifically, the Notice alleged that at the time of the inspection, the PHMSA inspector requested LEDIC's written qualification program for its Eureka Gardens and Washington Heights master meter systems. The LEDIC representative informed the inspector that LEDIC did not have a written qualification program.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.805 by failing to have and follow a written qualification program.

Item 13: The Notice alleged that Respondent violated 49 C.F.R. § 192.1015(a), which states:

§ 192.1015 What must a master meter or small liquefied petroleum gas (LPG) operator do to implement this subpart?

(a) *General.* No later than August 2, 2011 the operator of a master meter system or a small LPG operator must develop and implement an IM program that includes a written IM plan as specified in paragraph (b) of this section. The IM program for these pipelines should reflect the relative simplicity of these types of pipelines.

(b) *Elements.* A written integrity management plan must address, at a minimum, the following elements:

(1) *Knowledge.* The operator must demonstrate knowledge of its pipeline, which, to the extent known, should include the approximate location and material of its pipeline. The operator must identify additional information needed and provide a plan for gaining knowledge over time through normal activities conducted on the pipeline (for example, design, construction, operations or maintenance activities).

(2) *Identify threats.* The operator must consider, at minimum, the following categories of threats (existing and potential): Corrosion, natural forces, excavation damage, other outside force damage, material or weld failure, equipment failure, and incorrect operation.

(3) *Rank risks.* The operator must evaluate the risks to its pipeline and estimate the relative importance of each identified threat.

(4) *Identify and implement measures to mitigate risks.* The operator must determine and implement measures designed to reduce the risks from failure of its pipeline.

(5) *Measure performance, monitor results, and evaluate effectiveness.* The operator must monitor, as a performance measure, the number of leaks eliminated or repaired on its pipeline and their causes.

(6) *Periodic evaluation and improvement.* The operator must determine the appropriate period for conducting IM program evaluations based on the complexity of its pipeline and changes in factors affecting the risk of failure. An operator must re-evaluate its entire program at least every five years. The operator must consider the results of the performance monitoring in these evaluations.

The Notice alleged that Respondent violated 49 C.F.R. § 192.1015(a) by failing to develop and implement a Distribution Integrity Management Plan (DIMP) that includes a written Integrity Management (IM) plan as specified in § 192.1015(b) by August 2, 2011. Specifically, the Notice alleged that at the time of the inspection, the PHMSA inspector requested LEDIC's DIMP for its Eureka Gardens and Washington Heights master meter systems. The LEDIC representative informed the inspector that LEDIC did not have DIMPs for these systems.

The DIMP required by § 192.1015(a) should have included procedures in accordance with:

§ 192.1015(b)(1), to demonstrate knowledge of its pipeline, which, to the extent known, should include the approximate location and material of the pipeline;

§ 192.1015(b)(1), to identify additional information needed and provide a plan for gaining knowledge over time through normal activities conducted on the pipeline (for example, design, construction, operations, or maintenance activities);

§ 192.1015(b)(2), to consider, at minimum, the following categories of threats (existing and potential): corrosion, natural forces, excavation damage, other outside force damage, material or weld failure, equipment failure, and incorrect operation;

§ 192.1015(b)(3), to evaluate the risks to the pipeline and estimate the relative importance of each identified threat;

§ 192.1015(b)(4), to determine and implement measures designed to reduce the risks from pipeline failure;

§ 192.1015(b)(5), to monitor, as a performance measure, the number of leaks eliminated or repaired on its pipeline and their causes;

§ 192.1015(b)(6), to determine the appropriate period for conducting IM program evaluations based on the complexity of the pipeline and changes in factors affecting the risk of failure; and

§ 192.1015(b)(6), to re-evaluate the entire program at least every five years and consider the results of the performance monitoring in these evaluations.

Respondent did not contest this allegation of violation. Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.1015(a) by failing to develop and implement a DIMP that includes a written IM plan as specified in § 192.1015(b) by August 2, 2011.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 1, 3, 6, 7, 8, 9, 11, and 13 in the Notice for violations of 49 C.F.R. §§ 192.355(b), 192.463(a), 192.605(a), 192.614(b), 192.616(j), 192.707(a), 192.805, and 192.1015(a), respectively. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. With respect to the violation of § 192.355(b) (**Item 1**), Respondent must:

   A. Identify and bring into compliance all locations where service regulator vents are not rain and insect resistant; and

   B. Identify and bring into compliance all locations where service regulator vents do not allow gas from the vent to escape freely into the atmosphere and away from any opening into the building.

2. With respect to the violation of § 192.463(a) (**Item 3**), Respondent must bring its cathodic protection systems into compliance by ensuring that the systems provide a level of cathodic protection that complies with one or more of the applicable criteria contained in Part 192, Appendix D.

3. With respect to the violation of § 192.605(a) (**Item 6**), Respondent must prepare and follow a manual of written procedures for conducting operations and maintenance activities and for emergency response.

4. With respect to the violation of § 192.614(b) (**Item 7**), Respondent must bring its systems into compliance by registering and activating its pipeline systems with Sunshine 811, the state of Florida's qualified one-call system.

5. With respect to the violation of § 192.616(j) (**Item 8**), Respondent must develop and implement a written procedure for delivering public awareness messages twice annually, containing all of the required elements in § 192.616(j).

6. With respect to the violation of § 192.707(a) (**Item 9**), Respondent must identify and bring into compliance all locations which do not have line markers.

7. With respect to the violation of § 192.805 (**Item 11**), Respondent must prepare and follow a written qualification program for ensuring that its employees and contractors who perform covered tasks are qualified in accordance with the Part 192, Subpart N requirements.

8. With respect to the violation of § 192.1015(a) (**Item 13**), Respondent must develop and implement a written IM plan.

9. Complete Compliance Order Items 1 through 8 above and prepare records to document the results within 90 days after receipt of the Final Order.

10. Submit to the Director, Southern Region, OPS, within 120 days following receipt of the Final Order, written documentation of steps taken to satisfy Compliance Order Items 1 through 8 above and certification that the Compliance Order Items have been completed.

The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension.

In addition, pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is requested (not mandated) to take the following action:

LEDIC should maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to James A. Urisko, Director, Southern Region, Pipeline and Hazardous Materials Safety Administration. It is requested that these costs be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses; and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.

Failure to comply with this Order may result in the administrative assessment of civil penalties not to exceed $200,000 for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

WARNING ITEMS

With respect to Items 2, 4, 5, 10, and 12, the Notice alleged probable violations of Part 192 but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. The warnings were for:

49 C.F.R. § 192.357(a) **(Item 2)** — Respondent's alleged failure to ensure that each customer regulator was installed so as to minimize anticipated stresses upon the connecting piping;

49 C.F.R. § 192.491(c) **(Item 4)** — Respondent's alleged failure to maintain records of each test, survey, or inspection required by Subpart I of Part 192 in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition did not exist;

49 C.F.R. § 192.603(b) **(Item 5)** — Respondent's alleged failure to keep records necessary to administer the procedures established under § 192.605 that pertain to master meter pipeline systems;

49 C.F.R. § 192.707(c) **(Item 10)** — Respondent's alleged failure to place and maintain line markers at locations where the main came above ground in areas accessible to the public; and

49 C.F.R. § 192.807(b) **(Item 12)** — Respondent's alleged failure to maintain records supporting an individual's current qualification while the individual is performing the covered task, as well as prior qualification records.

If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

Under 49 C.F.R. § 190.243, Respondent has a right to submit a Petition for Reconsideration of this Final Order. The petition must be sent to: Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2nd Floor, Washington, DC 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address. PHMSA will accept petitions received no later than 20 days after receipt of service of this Final Order by the Respondent, provided they contain a brief statement of the issue(s) and meet all other requirements of 49 C.F.R. § 190.243. Unless the Associate Administrator, upon request, grants a stay, the terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

SEP 3 0 2016

Alan K. Mayberry
Acting Associate Administrator
for Pipeline Safety

Date Issued