

NOTICE OF AMENDMENT

ELECTRONIC MAIL - RETURN RECEIPT REQUESTED

November 16, 2020

Stanley Chapman III
Executive VP & President U.S. Pipelines
ANR Pipeline Company
700 Louisiana Street
Houston, Texas 77002

CPF 4-2020-1011M

Dear Mr. Chapman:

From March 8, 2019 through January 8, 2020, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected ANR Pipeline Company's procedures for its Southwest North (Mid America Region - Southeast Mainline) Pipelines, Loop Lines 501, 1-501, and 2-501, and System 1168 in Louisiana, Mississippi, Arkansas, Tennessee, and Kentucky.

Based on the inspection, PHMSA has identified the apparent inadequacies found within ANR Pipeline Company's plans or procedures, as described below:

1. § 192.225 Welding procedures

(a) Welding must be performed by a qualified welder or welding operator in accordance with welding procedures qualified under section 5, section 12, Appendix A or Appendix B of API Std 1104 (incorporated by reference, see § 192.7), or section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC) (incorporated by reference, see § 192.7) to produce welds meeting the requirements of this subpart. The quality of the test welds used to qualify welding procedures must be determined by destructive testing in accordance with the applicable welding standard(s).

ANR Pipeline Company's (ANR) qualified welding procedures did not identify the correct edition of API Standard 1104 that is incorporated by reference in § 192.225. During the inspection, the PHMSA inspector reviewed the following ANR qualified welding procedures: *X70-0-GW-10*, dated May 8, 2012; *X60-0-BW-19*, dated April 25, 2011; *X60-0-GW-01*, dated April 25, 2011; *X70-08-RP-12*, dated September 6, 2011; and *X70-8-RP-13*, dated September 6, 2011.

These welding procedures state that "The information in this data sheet is correct and based on welding procedure specifications that meet the qualification requirements of the latest edition of API 1104." Additionally, the welding procedures either stated that "NDT – 100% MPI in accordance with the requirements of the current edition of API 1104" or "NDT – 100% radiography in accordance with the requirements of the current edition of API 1104." ANR's welding procedures do not specify the edition of API Standard 1104 that is incorporated by reference in Part 192^a but instead referred to the "latest edition" or "current edition" of API Standard 1104.

ANR must amend its qualified welding procedures to specify the edition of API Standard 1104 that is incorporated by reference in Part 192.

2. § 192.616 Public Awareness

- (a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see § 192.7).**

ANR's *TC Energy Public Awareness Program (US)* (PAP), dated September 3, 2019, was inadequate because it did not follow the general program recommendations provided in Sections 2, 4, and 6 of the *American Petroleum Institute's (API) Recommended Practice (RP) 1162*, incorporated by reference in § 192.616(a).

ANR's PAP did not include the supplemental enhancements required by API RP 1162, Section 6.1.3, *Coverage Areas*. A review of ANR's PAP revealed that the PAP did not include "Table 6-1." Specifically, "Table 6-1" is referenced under *Section 12 Supplemental Enhancements – Broader Coverage Areas*, when discussing broadening the area of coverage beyond those defined in "Table 6-1."

ANR must amend its PAP to include *Table 6-1*.

^a Section 192.7(b)(9) identifies "API Standard 1104, "Welding of Pipelines and Related Facilities," 20th edition, October 2005, including errata/addendum (July 2007) and errata 2 (2008), (API Std 1104)," as the edition incorporated by reference in §§ 192.225(a); 192.227(a); 192.229(c); 192.241(c); and Item II, Appendix B.

3. § 192.616 Public Awareness

(a) . . .

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

ANR's PAP is inadequate because it did not include specific delivery methods and delivery frequencies for supplemental communications that the company had identified. Specifically, in ANR's most recent 2018 Effectiveness Review, ANR selected the agricultural community in developing a new targeted communications strategy for this community; however, ANR did not include any communication methods or frequencies to address this supplemental enhancement for the agriculture community in its PAP. Additionally, "Table 8-1 Baseline Delivery Frequency and Method of Delivery" of ANR's PAP utilizes the term "*ongoing*" to describe the supplemental delivery frequency. However, this term is ambiguous and does not provide a clear definition of "delivery frequencies or methods."

ANR must amend its PAP to incorporate the supplemental enhancement that it identified for agricultural communications in its 2018 Effectiveness Review. ANR must also amend its PAP to provide a more definitive delivery frequency and method for the supplemental delivery frequency in "Table 8-1."

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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).

Following the receipt of this Notice, you have **30** days to submit written comments, revised procedures, or a request for a hearing under § 190.211. 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 an Order Directing Amendment. If 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. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 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 ANR Pipeline Company maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Mary McDaniel, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. In all correspondence concerning this matter, please refer to **CPF 4-2020-1011M**, and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Mary L. McDaniel, P.E.
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

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