



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

8701 S. Gessner, Suite 630
Houston TX 77074

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED COMPLIANCE ORDER**

ELECTRONIC MAIL - RETURN RECEIPT REQUESTED

October 21, 2021

Rodney J. Sailor
President and Chief Executive Officer
Enable Gas Transmission, LLC
499 West Sheridan, Suite 1500
Oklahoma City, Oklahoma 73102

CPF 4-2021-047-NOPV

Dear Mr. Sailor:

From December 21, 2020 to March 2, 2021, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), pursuant to Chapter 601 of 49 United States Code (U.S.C.), conducted an investigation following the report of a natural gas release on Enable Gas Transmission, LLC's (Enable) 16-inch Line A-South in Caddo Parish, Louisiana. The investigation included a review of Enable's operations and maintenance records and procedures.

Based on the inspection, it is alleged that Enable has committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations (CFR). The item investigated and the probable violation is:

- 1. § 192.619 Maximum allowable operating pressure: Steel or plastic pipelines.**
 - (a) No person may operate a segment of steel or plastic pipeline at a pressure that exceeds a maximum allowable operating pressure (MAOP) determined under paragraph (c), (d), or (e) of this section, or the lowest of the following:**
 - (1) The design pressure of the weakest element in the segment, determined in accordance with subparts C and D of this part. However, for steel pipe in pipelines being converted under § 192.14 or uprated under subpart K of this part, if any variable necessary to determine the design pressure under the design formula (§ 192.105) is unknown, one of the following pressures is to be used as design pressure:**

- (i) Eighty percent of the first test pressure that produces yield under section N5 of Appendix N of ASME B31.8 (incorporated by reference, see § 192.7), reduced by the appropriate factor in paragraph (a)(2)(ii) of this section; or
- (ii) If the pipe is 12 3/4 inches (324 mm) or less in outside diameter and is not tested to yield under this paragraph, 200 p.s.i. (1379 kPa).

(2) The pressure obtained by dividing the pressure to which the pipeline segment was tested after construction as follows:

- (i) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5.
- (ii) For steel pipe operated at 100 psi (689 kPa) gage or more, the test pressure is divided by a factor determined in accordance with the Table 1 to paragraph (a)(2)(ii):

TABLE 1 TO PARAGRAPH (a)(2)(ii)

Class location	Installed before (Nov. 12, 1970)	Factors, ¹ segment -		
		Installed after (Nov. 11, 1970) and before July 1, 2020	Installed on or after July 1, 2020	Converted under §192.14
1	1.1	1.1	1.25	1.25
2	1.25	1.25	1.25	1.25
3	1.4	1.5	1.5	1.5
4	1.4	1.5	1.5	1.5

¹ For offshore pipeline segments installed, uprated or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For pipeline segments installed, uprated or converted after July 31, 1977, that are located on an offshore platform or on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested according to the requirements in paragraph (a)(2) of this section after the applicable date in the third column or the segment was uprated according to the requirements in subpart K of this part:

Pipeline segment	Pressure date	Test date
-Onshore gathering line that first became subject to this part (other than § 192.612) after April 13, 2006.	March 15, 2006, or date line becomes subject to this part, whichever is later.	5 years preceding applicable date in
-Onshore transmission line that was a		

gathering line not subject to this part before March 15, 2006.		second column.
Offshore gathering lines.	July 1, 1976	July 1, 1971.
All other pipelines.	July 1, 1970	July 1, 1965

(4) The pressure determined by the operator to be the maximum safe pressure after considering and accounting for records of material properties, including material properties verified in accordance with § 192.607, if applicable, and the history of the pipeline segment, including known corrosion and actual operating pressure.

Enable failed to establish a Maximum Allowable Operating Pressure (MAOP) for its 16-inch Line A-South pipeline in accordance with § 192.619(a). Enable was unable to provide records demonstrating the establishment of the MAOP for its pipeline, which was in service prior to 1970.

During the inspection, Enable could not produce pressure test records, logs, or highest actual operating pressure for the five-year period preceding July 1, 1970, to establish its MAOP. Instead, Enable offered Fitness for Service – Interstate Natural Gas Association of America (INGAA) bulletins to support its MAOP establishment in 2012 using an MAOP Validation Safe Operating History form with data from calendar years 2012, 2013, and 2014. However, Enable’s records do not meet the requirements of § 192.619(a) for establishing the MAOP of its 16-inch Line A-South pipeline.

Proposed Compliance Order

Under 49 U.S.C. § 60122 and 49 CFR § 190.223, Enable Gas Transmission, LLC is subject to a civil penalty not to exceed \$225,134 per violation per day the violation persists, up to a maximum of \$2,251,334 for a related series of violations. For violations occurring on or after January 11, 2021, and before May 3, 2021, the maximum penalty may not exceed \$222,504 per violation per day the violation persists, up to a maximum of \$2,225,034 for a related series of violations. For violations occurring on or after July 31, 2019, and before January 11, 2021, the maximum penalty may not exceed \$218,647 per violation per day the violation persists, up to a maximum of \$2,186,465 for a related series of violations. For violations occurring on or after November 27, 2018, and before July 31, 2019, the maximum penalty may not exceed \$213,268 per violation per day, with a maximum penalty not to exceed \$2,132,679. For violations occurring on or after November 2, 2015, and before November 27, 2018, the maximum penalty may not exceed \$209,002 per violation per day, with a maximum penalty not to exceed \$2,090,022.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to propose a civil penalty assessment at this time.

With respect to Item 1, pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Enable Gas Transmission, LLC. Please refer to the *Proposed Compliance Order*, which is enclosed and made a part of this Notice.

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. All material you submit in response to this enforcement action may be 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, or request a hearing under 49 CFR § 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 a Final Order. If you are responding to this Notice, we propose that you submit your correspondence to my office within 30 days from receipt of this Notice. This period may be extended by written request for good cause.

In your correspondence on this matter, please refer to **CPF 4-2021-047-NOPV** 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

Enclosures:

Proposed Compliance Order

Response Options for Pipeline Operators in Enforcement Proceedings

cc: Mr. Cary Windler, Director of GIS and Integrity Management, Enable Midstream Partners, cary.windler@enablemidstream.com
Mr. Casey Roberts, Lead DOT Compliance Program Manager, Enable Midstream Partners, casey.roberts@enablemidstream.com

PROPOSED COMPLIANCE ORDER

Pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Enable Gas Transmission, LLC (Enable) a Compliance Order incorporating the following remedial requirements to ensure the compliance with the pipeline safety regulations:

- A. In regards to Item 1 pertaining to Enable's failure to establish the maximum allowable operating pressure (MAOP) of 16-inch Line A-South and retain the appropriate records, Enable must establish an MAOP for Line A-South in accordance with 49 CFR § 192.619(a). Enable must submit its proposed plan for establishing the MAOP on Line A-South prior to execution for PHMSA's review and approval within 30 days of the issuance of the Final Order. Additionally, Enable must establish the MAOP and submit corresponding documentation to PHMSA within 180 days of the issuance of the Final Order.

It is requested (not mandated) that Enable maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Mary L. McDaniel, P.E., Director, Southwest, 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.