

NOTICE OF AMENDMENT

VIA ELECTRONIC MAIL TO: charlie.gates@calpine.com

June 3, 2021

Mr. Charlie Gates
Executive Vice President of Power Operations
Fore River Energy Center
9 Bridge Street
Weymouth, Massachusetts 02191

CPF 1-2021-044-NOA

Dear Mr. Gates:

From February 22, 2021 through February 26, 2021, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Fore River Energy Center's (FREC) procedures for the FREC pipeline in Weymouth, Massachusetts.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within FREC's plans or procedures, as described below:

1. § 195.202 Compliance with specifications or standards.

Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

FREC's written construction specifications or standards were inadequate. Specifically, FREC's *Section 500- Repair and Maintenance Practices* (Maintenance Procedures) failed to require certain girth welds to be nondestructively tested in accordance with § 195.234.

Sections 195.234(f) and (g) state:

- (f) When installing used pipe, 100 percent of the old girth welds must be nondestructively tested.
- (g) At pipeline tie-ins, including tie-ins of replacement sections, 100 percent of the girth welds must be nondestructively tested.

During the inspection, the PHMSA inspector requested FREC's procedures regarding nondestructive testing of girth welds, and FREC provided its Maintenance Procedures. However, the Maintenance Procedures failed to provide adequate guidance or a process requiring:

- When installing used pipe, 100% of the old girth welds must be nondestructively tested
- At pipeline tie-ins, including tie-ins of replacement sections, 100% of the girth welds must be nondestructively tested

When the PHMSA inspector asked if there were additional procedures or guidance related to nondestructive testing of welds, FREC stated, "[t]here are no further distinctions that meet these criteria in the procedures."

Therefore, FREC failed to include details in written specifications or standards for nondestructive testing in accordance with § 195.234(f) and (g), as required by § 195.202. FREC must revise its procedures to include processes requiring certain girth welds to be nondestructively tested.

2. § 195.202 Compliance with specifications or standards.

Each pipeline system must be constructed in accordance with comprehensive written specifications or standards that are consistent with the requirements of this part.

FREC's written construction specifications or standards were inadequate. Specifically, FREC's Maintenance Procedures failed to require each welder or welding operator be qualified in accordance with section 6, section 12, Appendix A or Appendix B of API Standard 1104, or section IX of the ASME Boiler and Pressure Vessel Code.

During the inspection, the PHMSA inspector requested FREC's procedures regarding welder qualifications. FREC provided its Maintenance Procedures. Section 503 of the Maintenance Procedures stated, "[a]ll welders performing repair work shall be qualified in accordance with the latest DOT approved edition of API 1104. Except that a welder qualified under an earlier edition, than the latest DOT approved edition, of API 1104 may weld but may not re-qualify under that earlier edition."

Section 195.222 (a) states:

Each welder or welding operator must be qualified in accordance with section 6, section 12, Appendix A or Appendix B of API Std 1104 (incorporated by reference, see §195.3), or section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC), (incorporated by reference, see §195.3) except that a welder or welding operator qualified under an earlier edition than listed in §195.3, may weld but may not requalify under that earlier edition.

However, the Maintenance Procedures failed to provide details regarding what specific standard that welder, or welding operators, must be qualified to. When the PHMSA inspector requested if there were additional procedures or guidance related to welder qualifications, FREC stated, "[t]here are no further procedures and the current procedures do not specify the exact welder requirements."

Therefore, FREC failed to include details in its written specifications or standards for welder or welding operator qualifications in accordance with § 195.222(a), as required by § 195.202. FREC must revise its procedures to include details addressing this requirement.

3. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) ...

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.

FREC's procedures for maintenance and normal operations were inadequate. Specifically, FREC's *Section 200- Normal Operations* (Normal Operations Procedure) failed to include adequate details for inspecting the right-of-way (ROW) surface conditions in accordance with the requirements of § 195.412(a).

Section 195.412(a) states:

Each operator shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way. Methods of inspection include walking, driving, flying or other appropriate means of traversing the right-of-way.

During the inspection, the PHMSA inspector requested FREC's procedure regarding ROW inspections. FREC provided its Normal Operations Procedure. The Normal Operations Procedure, Section 206, stated in part:

It shall be the responsibility of the Plant Manager or designee, at intervals not exceeding three weeks but at least 26 times each calendar year, to have the surface condition on and adjacent to the FREC pipeline right-of-way (ROW) inspected for the portions that are buried east and west of the Fore River. It shall be the responsibility of the Plant Manager or designee, to monitor the tunnel portion of the pipeline between the headhouses for conditions via the following means:

- Sump level alarms
- Observation of tunnel water discharge
- Hydrocarbon sensor/alarm in the tunnel.
- Observation of casing pipe drain fluid.

However, the Normal Operations Procedure failed to provide adequate details for the inspection of surface conditions on or adjacent to the entire length of the FREC ROW. For example, the Normal Operations Procedure discussed how the tunnel portion of the pipeline is monitored by

additional means, however the measures do not include inspecting the surface conditions on or adjacent to its ROW.

When the PHMSA inspector asked for additional information regarding the ROW inspection of the tunnel portion of the pipeline, FREC stated, “[t]he tunnel portion of the pipeline requires a confined space permit for entry and is inspected as needed, at no set interval.”

Therefore, FREC failed to include adequate details in its written Procedures for the inspection of surface conditions on or adjacent to the entire length of the FREC ROW in accordance with § 195.412(a), as required by § 195.402(c)(3). FREC must revise its procedures to address this requirement.

4. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) ...

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.

FREC’s procedures for maintenance and normal operations were inadequate. Specifically, FREC’s *Section 500- Repair and Maintenance Practices* (Repair Procedures) failed to include adequate procedures for inspecting mainline valves in accordance with § 195.420(b).

Section 195.420(b) states, “[e]ach operator shall, at intervals not exceeding 7 1/2 months, but at least twice each calendar year, inspect each mainline valve to determine that it is functioning properly.”

During the inspection, the PHMSA inspector requested FREC’s procedure regarding mainline valve inspections. Section 524.1 of the Repair Procedure stated in part:

Each mainline valve must be inspected twice each calendar year at intervals not to exceed 7.5 months, to determine that it is functioning properly. The inspection should be documented, and a copy of this record is maintained at the FREC Office, where this record is retained for at least two years.

However, the Repair Procedure failed to state that the inspection *shall* be documented, as “should” indicates documenting is suggested but not required.

Therefore, FREC failed to include adequate details in its written procedures requiring mainline valve inspections shall be documented in accordance with § 195.420(b), as required by § 195.402(c)(3). FREC must revise its procedures to address this requirement.

5. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) ...

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.

FREC's procedures for maintenance and normal operations were inadequate. Specifically, FREC's Repair Procedures failed to include adequate procedures for providing protection for each valve from unauthorized operation and from vandalism, in accordance with § 195.420(c).

Section 195.420(c) states, "[e]ach operator shall provide protection for each valve from unauthorized operation and from vandalism."

During the inspection, the PHMSA inspector requested FREC's procedure regarding mainline valve maintenance, and FREC provided its Repair Procedures. Section 524.1 of the Repair Procedures stated in part that, "[e]ach valve should be protected from unauthorized operation and vandalism by chain link fences and/or chains and locks on the valve."

The procedure failed to state that the valves *shall* be protected from unauthorized operation and vandalism, as "should" indicates protection is optional, not required.

Therefore, FREC failed to include adequate details in its written procedures requiring valves to be protected from unauthorized operation and vandalism in accordance with § 195.420(c), as required by § 195.402(c)(3). FREC must revise its procedures to address this requirement.

6. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) ...

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.

FREC's procedures for maintenance and normal operations were inadequate. Specifically, FREC's Repair Procedure failed to include procedures for prohibiting operation of its pipeline at a pressure that exceeds the design pressure of any other component of the pipeline, in accordance with the requirements of § 195.406(a).

Section 195.406(a) states:

(a) Except for surge pressures and other variations from normal operations, no operator may operate a pipeline at a pressure that exceeds any of the following

...

(2) The design pressure of any other component of the pipeline.

During the inspection, the PHMSA inspector requested FREC's procedure regarding establishing maximum operating pressure (MOP). FREC provided its Repair Procedure. The Repair Procedure, however, failed to include details or guidance requiring that the MOP of FREC's pipelines must meet the lowest criteria per § 195.406. The procedures failed to specify that the pipeline will not be operated at a pressure that exceeds the design pressure of any other component of the pipeline.

Additionally, the Procedure contradicted the MOP on FREC's MOP calculation record (MOP Record). Section 521 of the Repair Procedure stated, "[t]he maximum operating pressure (MOP) for the pipeline, based on historical pressure testing, is 192 psi." The MOP Record stated, "[t]he calculated MOP is 275 psi." FREC's Repair Procedure and MOP Record did not align.

When the PHMSA inspector asked for additional information regarding the MOP of the pipeline the Operator stated, "[t]he only MOP procedure is found in Section 500" and "[t]he MOP of the pipeline is 275 psi, not 192 psi as the [Repair] Procedure states."

Therefore, FREC failed to include procedures for prohibiting operation of its pipeline at a pressure that exceeds the design pressure of any other component of the pipeline in accordance with the requirements of § 195.406(a), as required by § 195.402(c)(3). FREC must revise its procedures to address this requirement.

7. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) ...

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart and subpart H of this part.

FREC's procedures for maintenance and normal operations were inadequate. Specifically, FREC's *Section 400- Corrosion of General Practices Manual* (Corrosion Control Procedures) failed to include details of how FREC inspects and evaluates pipe exposed to the atmosphere for atmospheric corrosion, in accordance with the requirements of § 195.583(b), and how it retains corrosion control records in accordance with § 195.589(c).

Section 195.583(b) states:

During inspections, you must give particular attention to pipe at soil-to-air interfaces, under thermal insulation, under disbonded coatings, at pipe supports, in splash zones, at deck

penetrations, and in spans over water.

Section 195.589(c) states:

You must maintain a record of each analysis, check, demonstration, examination, inspection, investigation, review, survey, and test required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that corrosion requiring control measures does not exist. You must retain these records for at least 5 years, except that records related to Secs. 195.569, 195.573(a) and (b), and 195.579(b)(3) and (c) must be retained for as long as the pipeline remains in service.

During the inspection, the PHMSA inspector requested FREC's procedure regarding atmospheric corrosion control. FREC provided its Corrosion Control Procedures, which discussed atmospheric corrosion control in Section 15. However, the Corrosion Control Procedures failed to provide adequate details on how FREC gives particular attention to pipe under thermal insulation, under disbanded coatings, at pipe supports, in splash zones, at deck penetrations, and in spans over water. The Corrosion Control Procedures also failed to provide any guidance on how the atmospheric corrosion control inspection is conducted and what criteria is applied when evaluating pipe and coating or jacketing conditions.

Additionally, the Corrosion Control Procedures, Section Subpart H stated, "...Corrosion Control Records Retention (Some are required for 5 yrs; Some are for the service life) ..."

The procedure failed to specify the proper retention periods for corrosion control records in accordance with § 195.589(c).

When the PHMSA inspector asked for additional information regarding atmospheric corrosion monitoring, FREC stated, "[t]here were no additional documents, and the current procedures could use some updating."

Therefore, FREC failed to include details in its written procedures of its process to inspect and evaluate atmospheric corrosion on its pipelines in accordance with § 195.583, and for retaining corrosion control records in accordance with § 195.589(c), as required by § 195.402(c)(3). FREC must revise its procedures to address these requirements.

8. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) ...

(7) Starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by §195.406, consider the hazardous liquid or carbon dioxide in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices.

FREC's procedures for maintenance and normal operations were inadequate. Specifically, FREC's Normal Operations Procedure and *No. 2 Fuel Oil Transfers from Sprague Tank to Tank #3* (Transfer Procedure) failed to include procedures for starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406.

During the inspection, the PHMSA inspector requested FREC's procedure regarding start up and shut down of the pipeline. FREC provided its Normal Operations Procedure and its Transfer Procedure. However, these procedures did not include any details or process on how FREC starts up and shuts down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406. Furthermore, the Normal Operations Procedures do not address variations in altitude along the pipeline.

Therefore, FREC failed to include details in its written procedures for starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406, in accordance with § 195.402(c)(7). FREC must revise its procedures to address this requirement.

9. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) ...

(13) Periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

FREC's procedures for maintenance and normal operations were inadequate. Specifically, FREC's manual of written procedures failed to provide details on periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

During the inspection, the PHMSA inspector requested FREC's procedures regarding § 195.402(c)(13). FREC provided its Normal Operations Procedure. However, FREC's Normal Operations Procedure did not correspond to the requested information. When the PHMSA inspector re-requested procedures related to effectiveness reviews, FREC stated, "There are no procedures and no effectiveness review conducted."

Therefore, FREC failed to include details in its written procedures on periodically reviewing the work done by operator personnel to determine the effectiveness of the procedures in accordance with § 195.402(c)(13). FREC must revise its procedures to address this requirement.

10. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(d) **Abnormal operation.** The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded

(1) ...

(2) **Checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation.**

FREC's procedures for abnormal operations were inadequate. Specifically, FREC's *Section 300-Abnormal Operations* (Abnormal Operations Procedure) failed to include procedures for checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation.

During the inspection, the PHMSA inspector requested FREC's procedure addressing § 195.402(d)(2), and FREC provided its Abnormal Operations Procedure. The Abnormal Operations Procedure, Section 301 stated, "[c]hecking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation."

The Abnormal Operations Procedure restated § 195.402(d)(2) and failed to provide any details or guidance regarding checking variations from normal operation after an abnormal operation has ended. When the PHMSA inspector asked for additional information regarding details on FREC's process related to checking variations from normal operation after abnormal operations have ended FREC stated, "[w]e have not had an AOC occur therefore there are no procedures related to this item."

Therefore, FREC failed to include procedures for checking variations from normal operation after abnormal operation has ended at sufficient critical locations in the system to determine continued integrity and safe operation, in accordance with § 195.402(d)(2). FREC must revise its procedures to address this requirement.

11. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(d) **Abnormal operation.** The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded

(1) ...

(3) **Correcting variations from normal operation of pressure and flow equipment and controls.**

FREC's procedures for abnormal operations were inadequate. Specifically, FREC's Abnormal Operations Procedure failed to include procedures for correcting variations from normal operation of pressure and flow equipment and controls.

During the inspection, the PHMSA inspector requested FREC's procedure addressing § 195.402(d)(3), and FREC provided its Abnormal Operations Procedure. The Abnormal Operations Procedure, Section 301 stated, "[c]orrecting variations from normal operation of pressure and flow equipment and controls."

The Abnormal Operations Procedure restated § 195.402(d)(3) and failed to provide any details or guidance regarding correcting variations from normal operation. When the PHMSA inspector asked for additional information regarding details on FREC's process related to correcting variations from normal operation of pressure and flow equipment and controls FREC stated, "[w]e have not had an AOC occur therefore there are no procedures related to this item."

Therefore, FREC failed to include procedures for correcting variations from normal operation of pressure and flow equipment and controls, in accordance with § 195.402(d)(3). FREC must revise its procedures to address this requirement.

12. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(d) *Abnormal operation.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded

(1) ...

(4) Notifying responsible operator personnel when notice of an abnormal operation is received.

FREC's procedures for abnormal operations were inadequate. Specifically, FREC's Abnormal Operations Procedure failed to include procedures for notifying responsible operator personnel when notice of an abnormal operation is received.

During the inspection, the PHMSA inspector requested FREC's procedure addressing § 195.402(d)(4) and FREC provided its Abnormal Operations Procedure. The Abnormal Operations Procedure, Section 301 stated, "[n]otifying responsible operator personnel when notice of an abnormal operation is received."

The Abnormal Operations Procedure restated § 195.402(d)(4) and failed to provide any details or guidance regarding how FREC notifies personnel of an abnormal operation. When the PHMSA inspector asked for additional information regarding details on FREC's process related to notifying operator personnel when an abnormal operation is received FREC stated, "[w]e have not had an AOC occur therefore there are no procedures related to this item."

Therefore, FREC failed to include procedures for notifying responsible operator personnel when notice of an abnormal operation is received, in accordance with § 195.402(d)(4). FREC must revise its procedures to address this requirement.

13. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(d) *Abnormal operation.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded

(1) ...

(5) Periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

FREC's procedures for abnormal operations were inadequate. Specifically, FREC's Abnormal Operations Procedure failed to include procedures for periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

During the inspection, the PHMSA inspector requested FREC's procedure addressing § 195.402(d)(5) and FREC provided its Abnormal Operations Procedure. The Abnormal Operations Procedure, Section 301 stated, "[p]eriodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found."

The Abnormal Operations Procedure restated § 195.402(d)(5) and failed to provide any details or guidance regarding periodic reviews. When the PHMSA inspector asked for additional information regarding details on FREC's process related to notifying operator personnel when an abnormal operation is received FREC stated, "[w]e have not had an AOC occur therefore there are no procedures related to this item."

Therefore, FREC failed to include procedures for periodically reviewing the response of operator personnel to determine the effectiveness of the procedures controlling abnormal operation, in accordance with § 195.402(d)(5). FREC must revise its procedures to address this requirement.

14. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(c) Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) ...

(5) Analyzing pipeline accidents to determine their causes.

FREC's procedures for maintenance and normal operations were inadequate. Specifically, FREC's manual of written procedures failed to include procedures to analyze pipeline accidents to determine their causes.

During the inspection, the PHMSA inspector requested FREC's procedures addressing § 195.402(c)(5). FREC provided its Abnormal Operations Procedure, The procedure, however, did not correspond to the requested information. When the PHMSA inspector asked if there was additional information in their procedures which covered these requirements, FREC stated, "There

are no procedures which cover this item.”

Therefore, FREC failed to include procedures for analyzing pipeline accidents to determine their causes in accordance with § 195.402(c)(5). FREC must revise its procedures to include details addressing this requirement.

15. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(e) *Emergencies.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:

(1) ...

(6) Minimization of public exposure to injury and probability of accidental ignition by assisting with evacuation of residents and assisting with halting traffic on roads and railroads in the affected area, or taking other appropriate action.

FREC’s procedures for emergencies were inadequate. Specifically, FREC’s *Section 100-Introduction and Scope* (Introduction Procedures) and *Integrated Contingency Plan Fore River Energy Center LLC, revised August 2019* (ICP) failed to include procedures requiring FREC to assist with evacuation of residents and assist with halting traffic on roads and railroads in the affected area, or take other appropriate action during emergencies.

During the inspection, the PHMSA inspector requested FREC’s procedures addressing § 195.402(e)(6). FREC provided its Introduction Procedures and ICP, which failed to address § 195.402(e)(6). The ICP stated, “[i]f the spill appears to affect adjacent residences (e.g., drinking water well contamination, hazardous vapors, etc.), NOTIFY the property owners through police and fire officials. If the spill appears to affect any of the public utilities (water, sewer, electric, telephone, or gas), NOTIFY the proper authorities.”

When the PHMSA inspector requested if there were additional procedures or guidance related to assisting with evacuation of residents and assisting with halting traffic on roads and railroads in the affected area, FREC stated, “[t]here are no people in the vicinity of the power plant, but there are residents within an emergency affected area, however there are no additional procedures.”

Therefore, FREC failed to include details in its written procedures addressing the requirements of § 195.402(e)(6). FREC must revise its procedures to address this requirement.

16. § 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) ...

(f) *Safety-related condition reports.* The manual required by paragraph (a) of this section must include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of § 195.55.

FREC's procedures for safety related condition reports were inadequate. Specifically, FREC's *Section 600- Safety Related Condition Reporting Requirements* (SRC Procedures) failed to include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of § 195.55.

During the inspection, the PHMSA inspector requested FREC's procedure regarding recognizing safety related conditions. FREC provided the SRC Procedures. However, the SRC Procedures did not provide any instruction for personnel to recognize conditions that potentially may be safety-related conditions.

When the PHMSA inspector re-requested procedures related to recognizing safety related conditions, FREC stated, "[t]his could be included in OQ training, however there are no further procedures related to safety related conditions."

Therefore, FREC failed to include instructions in its written procedures for personnel to recognize conditions that potentially may be safety-related conditions in accordance with § 195.402(f). FREC must revise its procedures to address this requirement.

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 Enforcement 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 Fore River Energy Center maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of

plans, procedures) and submit the total to Robert Burrough, Director, Eastern Region, Pipeline and Hazardous Materials Safety Administration, 840 Bear Tavern Road, Suite 300, West Trenton, NJ 08628. In correspondence concerning this matter, please refer to **CPF 1-2021-044-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible. Smaller files may be emailed to robert.burrough@dot.gov. Larger files should be sent on USB flash drive accompanied by the original paper copy to the Eastern Region Office.

Sincerely,

Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: Response Options for Pipeline Operators in Enforcement Proceedings