

April 26, 2023

VIA ELECTRONIC MAIL TO: jwagner@urc.com

Mr. John Wagner
Vice President, General Counsel and Secretary
Kiantone Pipeline Corporation
15 Bradley Street, PO Box 780
Warren, Pennsylvania 16365

Re: CPF No. 1-2022-076-NOPV

Dear Mr. Wagner:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and finds that the civil penalty amount of \$44,800 has been paid in full. This case is now closed. Service of the Final Order by certified mail is effective upon the date of mailing as provided under 49 C.F.R. § 190.5. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Robert Burrough, Director, Eastern Region, Office of Pipeline Safety, PHMSA
Mr. Dave Wortman, Vice President, Support and Transportation, Kiantone Pipeline Corporation, dwortman@urc.com
Mr. George C. Hopkins, Outside Counsel for Kiantone Pipeline Corporation, Vinson & Elkins LLP, ghopkins@velaw.com

CONFIRMATION OF 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

Kiantone Pipeline Corporation,

Respondent.

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CPF No. 1-2022-076-NOPV

FINAL ORDER

On December 8, 2022, pursuant to 49 C.F.R. § 190.207, the Director, Eastern Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation and Proposed Civil Penalty (Notice) to Kiantone Pipeline Corporation (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 199 and proposed a civil penalty of \$44,800. On January 20, 2023, Respondent contested the allegations and requested a hearing. On April 4, Respondent withdrew its hearing request. Respondent paid the proposed civil penalty on April 6. In accordance with § 190.208(a)(1), such payment authorizes the entry of this final order.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 40.25(a) (**Item 1**) — Respondent failed to obtain employees' written consent or request the drug and alcohol testing records of the employees it intended to use to perform safety-sensitive duties in calendar years 2020 and 2021.

49 C.F.R. § 199.105(c)(6) (**Item 2**) — Respondent failed to randomly select and drug test a sufficient number of covered employees during calendar year 2021 to meet the minimum annual rate for random drug testing determined by the Administrator, which was 50 percent for calendar year 2021.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent. In accordance with 49 C.F.R. § 190.223, Respondent is assessed the proposed civil penalty amount of \$44,800, which Respondent has already paid in full.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

April 26, 2023

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued