U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628
609.771.7800

NOTICE OF AMENDMENT

VIA EMAIL TO: delvecchioj@natfuel.com

March 17, 2026

Joseph Del Vecchio
President
Empire Pipeline, Inc.
6363 Main Street
Williamsville, NY 14221

CPF 1-2026-029-NOA

Dear Mr. Del Vecchio:

From May 20 to November 6, 2024, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), Eastern Region, pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Empire Pipeline, Inc.'s (Empire or Respondent)[1] procedures.

As a result of the inspection, PHMSA has identified apparent inadequacies in Empire's plans or procedures. The alleged inadequacies and proposed revisions are described below:

1. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) …

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

(1) Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart and Subpart M of this part.

§ 192.631 Control room management.

(a) …

(c) *Provide adequate information*. Each operator must provide its controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:

[1] Empire Pipeline Inc. is a subsidiary of National Fuel Gas Company.

(1) …

(3) Test and verify an internal communication plan to provide adequate means for manual operation of the pipeline safely, at least once each calendar year, but at intervals not to exceed 15 months;

Empire's written control room management procedures were inadequate to assure safe operation of a pipeline facility. Specifically, Empire's *Control Room Management Plan* (12/7/2021) (CRM Plan) failed to include procedures to test and verify an internal communication plan to provide adequate means for manual operation, as required by sections 192.605(b)(1) and 192.631(c)(3).

Empire's CRM Plan in section 5.4 required a "Standards Team" to document the annual testing of the internal communication plan, specifying that the Operational Emergency Procedure Plan (OEPP) would be used to facilitate this test. However, the OEPP contained no provisions for annual testing, as it was designed for actual emergencies.

Therefore, Empire's written control room management procedures were inadequate to assure safe operation of a pipeline facility. PHMSA proposes that Empire revise its procedures to address the above deficiency.

2. § 192.911 What are the elements of an integrity management program?

An operator's initial integrity management program begins with a framework (*see* § 192.907) and evolves into a more detailed and comprehensive integrity management program, as information is gained and incorporated into the program. An operator must make continual improvements to its program. The initial program framework and subsequent program must, at minimum, contain the following elements. (When indicated, refer to ASME B31.8S (incorporated by reference, *see* § 192.7) for more detailed information on the listed element.)

(a) …

(d) A direct assessment plan, if applicable, meeting the requirements of § 192.923, and depending on the threat assessed, of §§ 192.925, 192.927, or 192.929.

Empire's written integrity management procedures were inadequate to assure safe operation of a pipeline facility, as required by section 192.911(d). Specifically, Empire's *Pipeline Integrity Management Plan, Appendix N, ECDA Plan* (07/30/14) (IMP) incorrectly referenced sections of the NACE SP0502-2010 (SP0502) standard.

During the inspection, PHMSA found that section N.8.9 of the IMP (*Data to be Collected on Coating Damage and Corrosion Depth*) directs personnel to section 5.4 of SP0502 for measurement requirements regarding remaining strength, coating damage, and corrosion depth. However, section 5.4 does not contain these requirements. The correct criteria are located in SP0502 section 5.5 (coating damage and corrosion depth) and section 5.6 (remaining strength).

Therefore, Empire's written integrity management procedures were inadequate to assure safe

operation of a pipeline facility. PHMSA proposes that Empire revise its procedures to address the above deficiencies.

3. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) …

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

(1) Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart and Subpart M of this part.

§ 192.750 Launcher and receiver safety.

Any launcher or receiver used after July 1, 2021, must be equipped with a device capable of safely relieving pressure in the barrel before removal or opening of the launcher or receiver barrel closure or flange and insertion or removal of in-line inspection tools, scrapers, or spheres. An operator must use a device to either: Indicate that pressure has been relieved in the barrel; or alternatively prevent opening of the barrel closure or flange when pressurized, or insertion or removal of in-line devices (*e.g.* inspection tools, scrapers, or spheres), if pressure has not been relieved.

Empire's written procedures for operating, maintaining, and repairing the pipeline were inadequate to assure safe operation of a pipeline facility. Specifically, Empire failed to include adequate instructions for the safe operation of launcher and receiver safety devices mandated by sections 192.605(b)(1) and 192.750 in its procedure, *National Fuel Gas Supply and Empire Operation and Maintenance Procedures, V-2024.2* (06/28/2024) (O&M Manual).

Section 10.6.33 in the O&M Manual described the procurement process for launcher and receivers as well as using existing launchers and receivers. While the procedure acknowledged that safety devices were installed on the closure doors, it failed to provide instructions for operating the devices, specify any required training, or reference design schematics for technicians.

Therefore, Empire's written procedures for operating, maintaining, and repairing the pipeline were inadequate to assure safe operation of a pipeline. PHMSA proposes that Empire revise its procedure to address the above deficiency.

4. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) …

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

(1) Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart and Subpart M of this part.

§ 192.607 Verification of Pipeline Material Properties and Attributes: Onshore steel transmission pipelines.

(a) …

(b) *Documentation of material properties and attributes.* Records established under this section documenting physical pipeline characteristics and attributes, including diameter, wall thickness, seam type, and grade (*e.g.,* yield strength, ultimate tensile strength, or pressure rating for valves and flanges, etc.), must be maintained for the life of the pipeline and be traceable, verifiable, and complete. Charpy v-notch toughness values established under this section needed to meet the requirements of the ECA method at § 192.624(c)(3) or the fracture mechanics requirements at § 192.712 must be maintained for the life of the pipeline.

Empire's written procedures for operating, maintaining, and repairing the pipeline were inadequate to assure safe operation of a pipeline facility. Specifically, Empire's procedures for defining traceable, verifiable, and complete (TVC) records failed to contain sufficient detail, as required by sections 192.605(b)(1) and 192.607(b).

During the inspection, PHMSA reviewed Empire's procedures for determining if records meet the threshold of TVC found, within *Pipeline Integrity Management Plan, Appendix M* (06/07/2021) (IMP). Section 1.2 in the IMP included a list of records Empire would utilize and that may have the necessary parameters needed for material verification. However, the procedure failed to include the methodology or criteria personnel must use to evaluate whether a collected record—or combination of records—satisfies the definition of TVC.

While documents such as purchase orders or as-built records are potential sources of material properties, they do not guarantee completeness or accuracy on their own. Empire's procedure failed to provide instructions directing personnel on how to cross-reference complementary documentation or verify that source documents are accurate final revisions before considering them TVC records.

Therefore, Empire's written procedures for operating, maintaining, and repairing the pipeline were inadequate to assure safe operation of a pipeline facility. PHMSA proposes that Empire revise its procedures to address the above deficiency.

5. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) …

(d) *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 § 191.23 of this subchapter.

Empire's written procedures for operating, maintaining, and repairing the pipeline were inadequate to assure safe operation of a pipeline facility. Specifically, Empire's procedure, *National Fuel Gas Supply and Empire Operation and Maintenance Procedures, V-2024.1,* section 2.6.10 (02/23/24), failed to include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions (SRCs) with respect to monitoring and reporting maximum allowable operating pressure (MAOP) exceedances that may be SRCs under section 191.23(a)(10).

During the inspection, PHMSA reviewed Empire's procedures related to reporting MAOP exceedances as SRCs. Empire stated that its engineering team reviews a daily pressure log as part of the internal process for determining if MAOP has been exceeded. However, Empire had no written procedures to document this review.

Therefore, Empire's written procedures for operating, maintaining, and repairing the pipeline were inadequate to assure safe operation of a pipeline facility. PHMSA proposes that Empire revise its procedures to address the above deficiency.

6. § 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) …

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

(1) …

(2) Controlling corrosion in accordance with the operations and maintenance requirements of Subpart I of this part.

Empire's written procedures for corrosion control were inadequate to assure safe operation of a pipeline facility. Specifically, Empire's procedures for inspecting and evaluating each pipeline or portion of the pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion pursuant to section 192.481 failed to include consistent and sufficient detail for grading corrosion.

During the inspection, PHMSA reviewed Empire's procedures related to atmospheric corrosion control, including Empire's *National Fuel Gas Supply and Empire Operation and Maintenance Procedures: V-2024.1* (02/23/24) (O&M Manual) and related forms *NFG Atmospheric Corrosion Field Inspection* (12/09/09) and *NFG Compressor Station - Atmospheric Corrosion Inspection* (12/09/09). While section 5.6.15 in the O&M Manual directed personnel to use a 1-to-4 priority ranking system on inspection forms, it failed to include instructions on how to correlate observed field conditions to those priority rankings.

Therefore, Empire's written procedures for corrosion control were inadequate to assure safe operation of a pipeline facility. PHMSA proposes that Empire revise its procedures to address the above deficiency.

7. § 192.467 External corrosion control: Electrical isolation.

(a) …

(d) Inspection and electrical tests must be made to assure that electrical isolation is adequate.

§ 192.605 Procedural manual for operations, maintenance, and emergencies.
(a) …
(b) *Maintenance and normal operations*. The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.
(1) …
(2) Controlling corrosion in accordance with the operations and maintenance requirements of subpart I of this part.

Empire's written procedures for corrosion control were inadequate to assure safe operation of a pipeline facility. Specifically, Empire's procedures for conducting inspection and electrical tests to assure that electrical isolation is adequate failed to include inspection and electrical tests criteria for all insulating devices, such as flanges, as required by section 192.467(d).

During the inspection, PHMSA reviewed Empire's procedures related to electrical isolation testing, including *National Fuel Gas Supply and Empire Operation and Maintenance Procedures*, *V-2024.1, Section 5.6.7* (02/23/24), subsection D which stated in part that "[i]nspection and electrical tests must be made to ensure electrical isolation is adequate." Subsection H provided criteria for inspection and electrical tests at casings. However, the procedure failed to include inspection and electrical tests criteria for other insulating devices, such as flanges.

Therefore, Empire's written procedures for corrosion control were inadequate to assure safe operation of a pipeline facility. PHMSA proposes that Empire revise its procedures to address the above deficiency.

Response to this Notice
This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 CFR § 190.206.

Please review the enclosed *Response Options for Pipeline Operators in Enforcement Proceedings*. The Respondent must respond to this Notice within 30 days of receipt. The Region Director may extend this period upon receipt of a timely written request demonstrating good cause. Failure to respond within 30 days (or by the extended deadline) constitutes a waiver of the right to contest the allegations in the Notice and authorizes the Associate Administrator for Pipeline Safety, without further notice to the Respondent, to find the facts as alleged in the Notice and to issue an Order Directing Amendment. If the Respondent's plans or procedures are found inadequate as alleged in this Notice, the Respondent will be ordered to amend its plans or procedures to correct the inadequacies. Once the inadequacies identified herein have been addressed in amended procedures, this enforcement action will be closed.

All material submitted in response to this enforcement action may be made publicly available. If the Respondent believes that any portion of the responsive material qualifies for confidential treatment under 5 U.S.C. § 552(b), along with the complete original document, it must provide a second copy of the document with the portions that may qualify for confidential treatment redacted

and an explanation of why the redacted information may qualify for confidential treatment under 5 U.S.C. § 552(b).

PHMSA requests that the Respondent maintain documentation of the safety improvement costs associated with fulfilling this Notice (preparation/revision of plans and procedures) and submit the total to the Region Director.

In correspondence on this matter, please refer to **CPF 1-2026-029-NOA**.

Sincerely,

ROBERT THOMAS BURROUGH

Digitally signed by ROBERT THOMAS BURROUGH
Date: 2026.03.17 12:20:21 -04'00'

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

cc: Steven Glass, Assistant VP, Empire Pipeline, GlassS@natfuel.com
Steven Monnie, Senior Manager, Empire Pipeline, MONNIES@NATFUEL.COM

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