National Fuel
Empire Pipeline

June 5, 2026

(Via Email Only)
Mr. Robert Burrough
Director, Eastern Region
Office of Pipeline Safety, PHMSA
840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628
Robert.burrough@dot.gov

RE: CPF 1-2026-029-NOA

Dear Mr. Burrough,

Empire Pipeline, Inc. ("Empire" or the "Company") is providing this correspondence in response to the Notice of Amendment ("NOA"), CPF 1-2026-029-NOA, dated and received from the Pipeline and Hazardous Materials Safety Administration ("PHMSA") on March 17, 2026[1].

The NOA identifies alleged inadequacies in certain plans and procedures required by the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. Empire acknowledges these observations and has evaluated the referenced items accordingly. Empire notes that the concerns identified by PHMSA relate to documentation and procedural clarity, rather than the implementation of operational controls. Throughout the inspection period covered in the NOA, pipeline operations were supported by established practices, qualified personnel, and existing system safeguards to ensure operations were monitored and managed in a safe and controlled manner. While this audit has highlighted opportunities to enhance clarity and consistency within written procedures, Empire has maintained operational practices focused on safe system performance and is committed to addressing these documentation improvements to further align with regulatory expectations and strengthen the clarity of its programs. Below are detailed responses to each of PHMSA's identified concerns.

Item 1: PHMSA alleges that Empire's Control Room Management Plan ("CRM Plan") "failed to include procedures to test and verify an internal communication plan to provide an adequate means for manual operation, as required by sections 192.605(b)(1) and 192.631(c)(3)." In support of this allegation, PHMSA notes that Section 5.4 of the CRM Plan required a " 'Standards Team' to document the annual testing of the internal communication plan," "that the Operational Emergency Procedure Plan ("OEPP") would be used to facilitate the test," but "the OEPP contained no provisions for annual testing as it was designed for actual emergencies."

<u>**Empire Response**</u>
Empire's CRM Plan Section 5.4 requires completion of an annual test of the internal communication plan each calendar year, not to exceed 15 months, using the OEPP. Records provided by Empire during the audit demonstrated that the tests were completed in accordance with this requirement. To improve consistency in documentation, however, Empire updated its CRM Plan on April 23, 2026 to include a standardized template for recording the annual internal communication plan test.

[1] On March 25, 2026, Empire requested additional time to respond to the NOA, and PHMSA approved the request on April 7, 2026, extending the response deadline to June 5, 2026.

As noted in the NOA, Empire established its OEPP as a field procedure, linked to the CRM, for use during loss of power, communications, or SCADA system control events. Although separate documents, Empire considers the CRM Plan and the OEPP to be functionally integrated because the OEPP ensures the continued safe operation of the gas pipeline systems monitored by GCOC when an event interrupts the flow of information between the Control Room and monitored gas pipeline system facilities. Additionally, the OEPP is utilized by GCOC to assist with communicating with the responsible Departments, communication carriers/providers, or power providers, of loss of communication, power, or SCADA; therefore, completion of the annual internal communication test under the CRM Plan, using the OEPP, constitutes a test of both programs, and a single set of documentation satisfies the requirements of each. To provide clarity, Empire proposes to add a new Section 1.4 in the OEPP.

Refer to *Attachment 1a – CRM Plan Section 5.4* for the updated reference to a standardized template (highlighted text) and *Attachment 1b – OEPP Section 1.4* for proposed OEPP revisions.

Item 2: PHMSA stated Empire's ECDA Plan included incorrect references to NACE SP0502-2010 (SP0502). PHMSA specifically points to section N.8.9 as it references section 5.4 of SP0502 instead of sections 5.5 and 5.6 of SP0502.

Empire Response

In 2024, during the inspection portion of the audit, PHMSA noted a concern regarding citation inaccuracies in Empire's ECDA Plan. This concern was included in both PHMSA's Procedures Verbal Exit Briefing ("Procedures VEB") document, received August 5, 2024, and Post-Inspection Written Preliminary Findings ("WPF"), received January 3, 2025. In Empire's October 18, 2024 response to the Procedures VEB, Empire informed PHMSA of its intent to address these inaccuracies. In Empire's February 3, 2025 response to the WPF, Empire informed PHMSA that the inaccuracies were addressed. Empire reviewed its ECDA Plan to verify and update citations as necessary and realized that NACE reorganized and renumbered sections of SP0502 between the 2002 and 2010 editions but determined that the underlying requirements in N.8.9 were in conformance with the 2010 edition. In the interest of accuracy, however, Empire revised section N.8.9 to include a reference to SP0502 Section 5.5. The revision was published on November 1, 2024 via MOC-2024-0205. For clarity, reference to SP0502 Section 5.6 was not included in N.8.9 as SP0502 Section 5.6 is addressed in a different section of Appendix N.

Refer to *Attachment 2 – TIMP Appendix N Section N.8.9* for a redline of previously approved revisions.

Item 3: PHMSA acknowledges that Empire has installed safety devices on the closure doors of its launchers and receivers but alleges that Empire's procedures failed to provide "adequate instructions for the safe operation of launcher and receiver safety devices" specifically related to training and references to design schematics for technicians.

Empire Response

Empire is proposing a revision to its O&M Section 10.6.33 to reference O&M Appendix 8.10.13 – *In-Service Pipeline Maintenance, Cleaning, and ILI Pig Launching & Receiving*, which existed at the time of the inspection portion of the audit, but was not reviewed by PHMSA. Therefore, Empire is providing O&M Appendix 8.10.13 for PHMSA's awareness.

At the time of the inspection, O&M Appendix 8.10.13 included step-by-step procedures for operating launchers and receivers and contained design schematics to assist personnel with safe launching and receiving operations. It was later revised on September 26, 2025, via MOC-2025-0207, to provide clearer instructions to field personnel to ensure closure safety devices are installed and functioning properly. At this time, Empire is proposing another revision to this procedure to acknowledge the requirement for personnel performing launching and receiving operations to have proper operator qualifications.

Refer to *Attachment 3a – O&M Section 10.6.33* for proposed revisions and *Attachment 3b – O&M Appendix 8.10.13 for previously approved revisions (highlighted text) and the additional proposed revision*.

Item 4: PHMSA stated Empire's procedures failed to contain sufficient detail for defining traceable, verifiable, and complete; specifically, PHMSA alleges Empire's "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," and lacked instruction, failing to direct "personnel on how to cross-reference complementary documentation or verify that source documents are accurate final revisions before considering them TVC records." Additionally, PHMSA claims that purchase orders or as-built records are potential sources of material properties, but do not guarantee completeness or accuracy on their own.

Empire Response

After the TVC requirement was incorporated into federal regulations in 2020, Empire evaluated its available records to determine whether they satisfied TVC criteria. That evaluation process was not memorialized in Empire procedures or plans, but Empire acknowledges PHMSA's comments that its TVC evaluation process should be formally documented. Therefore, Empire proposes adding a new Section 1.3 and 1.4 to TIMP Appendix M to memorialize Empire's methodology used to review records and assess compliance with the TVC standard. Empire is also proposing additional language in Sections 1.1 and 1.2 of TIMP Appendix M and to renumber subsequent sections accordingly.

Refer to *Attachment 4 – TIMP Appendix M Sections 1.1-1.4* for the proposed revisions.

Item 5: PHMSA acknowledges that Empire's engineering team reviews a daily pressure log as part of an internal process for determining if MAOP has been exceeded. However, PHMSA states that Empire's procedures "failed to include instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions" related to MAOP exceedance.

Empire Response

During the inspection, Empire provided records of its daily pressure log, which indicated there have been no MAOP exceedances on Empire's pipeline. PHMSA accurately recounts that Empire provided an explanation of its process, explaining that the Gas Control and Engineering Services departments review a daily SCADA pressure report that indicates the highest daily recorded pressure at strategic points along the pipeline system; this report is used to determine if a pressure exceedance has occurred. If the review indicates a pressure exceedance occurred, an investigation ensues to determine the cause of the exceedance. While SCADA monitoring has not identified any MAOP exceedances, Empire agrees with PHMSA's assertion that this process should be included in its written procedures. Accordingly, Empire proposes to add a new subsection to O&M Section 8.6.9, section B.9, to include the process described above. Empire's proposed revisions also include reference to O&M Section 2.6.10 to ensure the applicable Safety-Related Condition criteria is reviewed as part of the process for evaluating potential reporting implications.

Refer to *Attachment 5 - O&M 8.6.9.B.9* for the proposed revisions.

Item 6: PHMSA notes that Empire's procedures failed to include guidance for grading levels of observed atmospheric corrosion. PHMSA further notes that Empire's procedures failed to include instructions on how to correlate observed field conditions to its 1-to-4 priority ranking/grading system.

Empire Response

Empire's O&M Section 5.6.15.I specified the required form for documenting atmospheric corrosion inspections. That form includes a priority ranking table to be used based on the observed field condition.

To bring clarity to these procedures, Empire is proposing revisions to sections 5.6.15.G through I, including the incorporation of the priority ranking system directly into the written procedures with clarifying that explains its application.

Refer to *Attachment 6 – O&M Section 5.6.15(G-I)* for the proposed revisions.

Item 7: PHMSA notes that Empire's O&M procedure 5.6.7 subsection D includes a provision on inspection and testing for electrical isolation, and that subsection H includes criteria for inspection and isolation testing at casings, but also states that Empire's "procedure failed to include inspection and electric tests criteria for other insulating devices, such as flanges."

Empire Response

Empire published a revision to O&M Section 5.6.7 on September 26, 2025, via MOC-2025-0207, prior to receiving the NOA, adding a new subsection "I" titled "*Detecting Shorts in Isolation Flanges and Monolithic Joints*".

Refer to *Attachment 7 – O&M Section 5.6.7* for the previously approved revisions to Section 5.6.7. For clarity in reviewing the revised procedure, in National Fuel's O&M Manual, "P/S" is defined in the Glossary as "Pipe to Soil."

FOIA Protection and Confidential Treatment

In addition to the responses provided herein, Empire provides its amended procedures as enclosures. The information therein is protected from release to the public pursuant to the Freedom of Information Act ("FOIA"). The enclosed materials contain confidential information that, if disclosed, may cause serious injury to the Company, its customers, or to the Company's counterparties ("Confidential Information"). Empire, by and through its undersigned representative, hereby submits this correspondence in support of the Company's request to protect from public disclosure the Confidential Information. The enclosed materials have, thus, been marked with the applicable FOIA exemption.

The Confidential Information should be protected from public disclosure for the following reasons:

- **Attachments 1a, 1b, 2, 3a, 3b, 4, 5, 6, and 7** - These materials contain information that qualify as confidential, commercial information, which is treated as private and submitted under the assurances of privacy pursuant to federal statue 5 U.S.C. § 552(b)(4).

The Confidential Information is not, to the Company's knowledge, publicly available and either contains trade secrets, is proprietary, or is otherwise confidential in nature. As such, Empire respectfully requests that PHMSA maintain the confidential treatment designated on each, and, in the event the Confidential Information becomes subject to a FOIA request, Empire respectfully reserves the right to provide a redacted version of the Confidential Information before this response or the enclosed materials are released to the public.

Empire thanks PHMSA for conducting a thorough review of its programs and systems and intends for the enclosed materials to demonstrate its ongoing commitment to safety.

Respectfully,

Joseph N. Del Vecchio
President
Empire Pipeline, Inc.

Enclosures:
Attachment 1a – CRM Plan Section 5.4
Attachment 1b – OEPP Section 1.4
Attachment 2 – TIMP Appendix N Section N.8.9
Attachment 3a – O&M Section 10.6.33
Attachment 3b - O&M Appendix 8.10.13
Attachment 4 – TIMP Appendix M Sections 1.1-1.4
Attachment 5 – O&M Section 8.6.9.B.9
Attachment 6 – O&M Section 5.6.15
Attachment 7 – O&M Section 5.6.7

CC:
Steven Glass (Assistant Vice President)
Steven Monnie (Senior Manager)