NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 9, 2011

Mr. David Ries
President
MoGas Pipeline LLC
110 Algana Court
St. Peters, MO 63376

CPF 3-2011-1008M

Dear Mr. Ries:

On October 4-8, 25-29, 2010 and November 1-4, 2010, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the operation and maintenance procedures for MoGas Pipeline LLC (MoGas) at your offices in St. Peters, MO.

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

1. §192.13 What general requirements apply to pipelines regulated under this part?

(c) Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.

§192.503 General requirements.

(a) No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated or replaced, until-

(1) It has been tested in accordance with this subpart and §192.619 to substantiate the maximum allowable operating pressure; and

MoGas' manual did not contain adequate procedures for pressure testing. Company personnel indicated that all the information was located in Engineering Standard (ES) 11.04 which should be referenced from the O&M. However, that standard only contained a restatement of the code. The standard or procedure should detail all the preparations, specifications and reviews that are required to adequately pressure test a line. The pressure testing procedures should also consider dewatering procedures to ensure safety for company personnel consistent with §192.515.

2. §192.13(c) (See above)

§192.227 Qualification of welders.

(a) Except as provided in paragraph (b) of this section, each welder must be qualified in accordance with section 6 of API 1104 (incorporated by reference, see § 192.7) or section IX of the ASME Boiler and Pressure Vessel Code (incorporated by reference, see § 192.7). However, a welder qualified under an earlier edition than listed in § 192.7 of this part may weld but may not requalify under that earlier edition.

MoGas' procedures were inadequate because the O&M did not reference ES 15.01 and 15.02. Additionally, the standards should be modified as they are simply a direct quote of the code. The company should expand on this to indicate how they will meet these minimum requirements.

3. §192.13(c) (See above)

§192.243 Nondestructive testing.

(b) Nondestructive testing of welds must be performed:

(1) In accordance with written procedures;

MoGas' procedures were inadequate because the O&M did not reference ES 15.01 and 15.02. Additionally, the standards should be modified as they are a restatement of the code. The company should expand on this to indicate how they will meet these minimum requirements.

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

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for

emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least one each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

§192.613 Continuing Surveillance.

If a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved, or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with §192.619 (a) and (b).

MoGas' procedure is not adequate because the procedure should be expanded to include reducing Maximum Allowable Operating Pressure's (MAOP) if the condition of the pipeline is unsatisfactory. This procedure should include more guidance on actions to be taken.

5. §192.605(a) (See Above)

§192.614 Damage prevention program.

(c) The damage prevention program required by paragraph (a) of this section must, at a minimum:

(1) Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

MoGas' manual contained inadequate procedures to meet this requirement. The procedures did not match what the company is actually doing to meet this requirement. Currently, in Missouri, the One-Call system solicits the information from all the operators to maintain the necessary list; and can furnish that list if requested by the company for compliance purposes. The company procedures should also describe how this requirement will be met in Illinois.

6. §192.605(a) (See above)

§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 determined under paragraph (c) or (d) of this section….

The MoGas manual contained inadequate procedures because the procedure restated the code. However, it also included a listing of the MAOPs for the various pipeline segments in the system. More guidance should be contained in this procedure for establishing and/or verifying MAOPs on replacement pipe or any pipe used for future additions. The procedure could also reference other sections of the procedures such as pressure testing. If there is an engineering standard that contains information on how to establish the MAOP, then it would be necessary to reference that standard.

PHMSA also reminds MoGas to review Advisory Bulletin ADB-11-01 issued on January 4, 2011 regarding the importance of verifying the accuracy of records used to establish MAOPs.

7. §192.605(a) (See above)

§192.627 Tapping pipelines under pressure.

Each tap made on a pipeline under pressure must be performed by a crew qualified to make hot taps.

MoGas' procedures were inadequate because the manual did not reference the ES that contained this procedure. This procedure was found in the ES 12.02. It is also recommended that the procedure indicate that a qualified contractor will always be used to do these functions.

8. §192.605 Procedural manual for operations, maintenance, and emergencies

(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.

§192.707 Line markers for mains and transmission lines.

(c) Pipelines above ground. Line markers must be placed and maintained along each section of a main and transmission line that is located above ground in an area accessible to the public.

MoGas' procedure was inadequate because it did not require the installation of line markers at pipeline exposures that had not yet been repaired, yet were accessible to the public.

9. §195.605(b) (See above)

§192.713 Transmission lines: Permanent field repair of imperfections and damages.

(a) Each imperfection or damage that impairs the serviceability of pipe in a steel transmission line operating at or above 40 percent of SMYS must be-

(1) Removed by cutting out and replacing a cylindrical piece of pipe

MoGas' procedure Operation Maintenance (OM) 3.07D was inadequate because it did not indicate that the wall thickness of the replacement pipe is at least the same thickness of the pipeline to maintain the same design strength. Since the O&M specifically states that the same grade of pipe will be used for replacement, the wall thickness must be equal to or greater than the existing wall thickness. Additionally, in section 3.0, the procedure should remove "external corrosion" because the rule requirement applies to all pipe that is removed, not just pipe removed because of external corrosion.

10. §195.605(b)(See above)

§192.717 Transmission lines: Permanent field repair of leaks.

(b) Repairing the leak by one of the following methods:

(4) If the leak is on a submerged offshore pipeline or submerged pipeline in inland navigable waters, mechanically apply a full encirclement split sleeve of appropriate design.

MoGas' procedures were inadequate because they did not address this requirement. MoGas personnel indicated that if the company does develop a leak in a navigable waterway, the pipeline line would probably be replaced. Procedures for repair in a navigable waterway (including replacement, if applicable) should be developed and included in the manual.

11. §195.605(b) (See above)

§192.739 Pressure limiting and regulating stations: Inspection and testing.

(a) Each pressure limiting station, relief device (except rupture discs), and Pressure regulating station and its equipment must be subjected at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is-

(1) In good mechanical condition;
(2) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

(3) Except as provided in paragraph (b) of this section, set to control or relieve at the correct pressure consistent with the pressure limits of §192.201(a); and
(4) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

MoGas' procedure was inadequate because the manual only contained a restatement of the code to address this section. Upon further investigation, the company's Operator Qualification program contained procedures and could be referenced or incorporated into this section of MoGas' O&M manual.

12. §195.605(b) (See above)

§192.743 Pressure limiting and regulating stations: Capacity of relief devices

(a) Pressure relief devices at pressure limiting stations and pressure regulating stations must have sufficient capacity to protect the facilities to which they are connected. Except as provided in §192.739(b), the capacity must be consistent with the pressure limits of §192.201(a). This capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations

(b) If review and calculations are used to determine if a device has sufficient capacity, the calculated capacity must be compared with the rated or experimentally determined relieving capacity of the device for the conditions under which it operates. After the initial calculations, subsequent calculations need not be made if the annual review documents that parameters have not changed to cause the rated or experimentally determined relieving capacity to be insufficient.

(c) If a relief device is of insufficient capacity, a new or additional device must be installed to provide the capacity required by paragraph (a) of this section.

MoGas' procedure was inadequate because the manual only contained a restatement of the code to address this section. Upon further investigation, the company's Operator Qualification program contained procedures and could be referenced or incorporated into this section of MoGas' O&M Manual.

13. §192.605 Procedural manual for operations, maintenance, and emergencies

(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.

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

§192.465 External corrosion control: Monitoring.

(b) Each cathodic protection rectifier or other impressed current power source must be inspected six times each calendar year, but with intervals not exceeding 2 1/2 months, to insure that it is operating.

MoGas' procedure for checking rectifiers was inadequate because OM 4.02 did not contain the required time frame to check the rectifiers or reference the procedures for performing the inspection from the OQ program.

14. §192.605(b) (See above)

§192.465 External corrosion control: Monitoring.

(c) Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically checked for proper performance six times each calendar year, but with intervals not exceeding 2 1/2 months. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding 15 months.

MoGas' procedure for checking interference bonds was inadequate because OM 4.02 did not contain the required time frame to check the critical/non-critical bonds or reference the procedures for inspecting the bonds from the OQ program.

15. §192.605(b) (See above)

§192.491 Corrosion control records.

(c) Each operator shall maintain a record of each test, survey, or inspection required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist. These records must be retained for at least 5 years, except that records related to §§192.465(a) and (e) and 192.475(b) must be retained for as long as the pipeline remains in service.

MoGas' procedure was inadequate because in O&M 1.05, it indicates that the records should be kept either for the life of the facility or at least five years. That is incorrect because annual cathodic protection records must always be kept for the life of the facility.

16. §192.605(b) - Maintenance and normal operations

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

(4) Gathering of data needed for reporting incidents under Part 191 of this chapter in a timely and effective manner.

§191.5 Immediate notice of certain incidents.

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with paragraph (b) of this section of each incident as defined in §191.3.

MoGas' procedure for Telephonic reports to the NRC was inadequate because it did not reference the time frame to call in incidents consistent with the alert notice (ALN-91-01) issued on April 15, 1991.

17. §192.605(b)(4) (See Above)

§191.15 Transmission systems, gathering systems, and liquefied natural gas facilities. Incident report.

a) Transmission or Gathering. Each operator of a transmission or a gathering pipeline system must submit DOT Form PHMSA F 7100.2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under § 191.5 of this part.

MoGas' procedure was inadequate because it did not include the requirement to submit the 30 day written report.

18. §192.605(b) – Maintenance and normal operations

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

(5) Starting up and shutting down any part of the pipeline in a manner designed to assure operation within the MAOP limits prescribed by this part, plus the build-up allowed for operation of pressure-limiting and control devices.

MoGas' procedures were inadequate because they did not contain enough guidance for the start up and shut down of the system. The pipeline system now contains a compressor station

and interconnects with new pipelines which would require procedures on starting up and shutting down in a safe manner.

19. §195.605(b) – Maintenance and normal operations.

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

(8) Periodically reviewing the work done by operator personnel to determine the effectiveness and adequacy of the procedures used in normal operation and maintenance and modifying the procedure when deficiencies are found.

MoGas' procedures were inadequate because they did not provide any guidance on what personnel were to do to meet and document this requirement.

20. 195.605(c) – Abnormal Operations

§192.605(c)- For transmission lines, 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) Responding to, investigating, and correcting the cause of:

(i) Unintended closure of valves or shutdowns;
(ii) Increase or decrease in pressure or flow rate outside normal operating limits;
(iii) Loss of communications;
(iv) Operation of any safety device; and,
(v) Any other foreseeable malfunction of a component, deviation from normal operation, or personnel error which may result in a hazard to persons or property..

MoGas' procedures were inadequate because they did not detail how to respond to each of the conditions outlined in (i)-(v). The manual basically required the same response for all conditions, which may not be appropriate for all situations. Each condition should be defined, and how company personnel respond to and correct the condition should be described. Also, the abnormal operations defined in this section should not be confused with abnormal operating conditions associated with the OQ program.

21. §192.615 Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

(3) Prompt and effective response to a notice of each type of emergency, including the following:

(i) Gas detected inside or near a building.
(ii) Fire located near or directly involving a pipeline facility.
(iii) Explosion occurring near or directly involving a pipeline facility.
(iv) Natural disaster.

MoGas' procedures were inadequate because they did not describe how to respond to each of the listed scenarios. The procedure just indicated that they would respond the same to all of them. As with the abnormal operations scenarios, each one should have procedures independently developed, as the same response to all of them may not be appropriate.

22. §192.615 Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

(4) The availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.

MoGas's manual contains a list of equipment in Section 7 of OM 6.01 but it is incomplete. The company has access to much more equipment that may be utilized in an emergency and should be included on the list (i.e.: track hoe, fire extinguishers, shovels, etc).

23. §192.615 (See Above)

(b) Each operator shall:

(3) Review employee activities to determine whether the procedures were effectively followed in each emergency.

MoGas' procedures in OM 6.01, Section 5.3 (Investigation of Failures) on pages 3 of 4, is inadequate because it only requires a review in the event of a failure, not whenever the emergency response procedures are initiated.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. 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. 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). 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, after opportunity for a hearing, 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. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 90 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 MoGas Pipeline LLC maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to David Barrett, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2011-1008M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

David Barrett
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

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

cc: Mr. Dave Wallen – Vice President - Operations