



August 31, 2022

Ms. Mary L. McDaniel
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration
Office of Pipeline Safety
8701 S. Gessner Rd, Suite 630
Houston, Texas 77074

Via email: Mary.McDaniel@DOT.gov

Subject: Enable Mississippi River Transmission, LLC - Response to PHMSA Notice of Probable Violation and Proposed compliance Order CPF 4-2022-047-NOPV – Line A-180

Dear Ms. McDaniel:

This letter constitutes the response of Enable Mississippi River Transmission, LLC (EMRT, an Energy Transfer Company) to the Notice of Probable Violation (NOPV) and Proposed Compliance Order (PCO), CPF 4-2022-047-NOPV, issued by Pipeline and Hazardous Materials Safety Administration (PHMSA) on August 3, 2022, and received by EMRT on August 4, 2022.

A PHMSA inspection took place from April 26, 2021, to October 21, 2021, during which PHMSA inspected EMRT's natural gas transmission pipeline systems and associated records in Louisiana, Arkansas, Missouri, and Illinois. Following that inspection, PHMSA alleged EMRT committed two probable violations of the Pipeline Safety Regulations; the second one however was treated as a Warning Item only. The first alleged probable violation and the associated PCO are listed below as alleged and proposed by PHMSA:

1. **§ 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 (MAOP) determined under paragraph (c), (d), or (e) of this section, or the lowest of the following:
 - (1) The design pressure of the weakest element in the segment, determined in accordance with subparts C and D of this part. However, for steel pipe in pipelines being converted under § 192.14 or uprated under subpart K of this part, if any variable necessary to determine the design pressure under the design formula (§ 192.105) is unknown, one of the following pressures is to be used as design pressure:
 - (i) Eighty percent of the first test pressure that produces yield under section N5 of Appendix N of ASME B31.8 (incorporated by reference, see § 192.7), reduced by the appropriate factor in paragraph (a)(2)(ii) of this section; or
 - (ii) If the pipe is 12 ¾ inches (324 mm) or less in outside diameter and is not tested to yield under this paragraph, 200 p.s.i. (1379 kPa).
 - (2) The pressure obtained by dividing the pressure to which the pipeline segment was tested after construction as follows:

(i) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5.

(ii) For steel pipe operated at 100 psi (689 kPa) gage or more, the test pressure is divided by a factor determined in accordance with the Table 1 to paragraph (a)(2)(ii):

Table 1 to Paragraph (a)(2)(ii)

Class location	Installed before (Nov. 12, 1970)	Factors, ^{1,2} segment -		
		Installed after (Nov. 11, 1970) and before July 1, 2020	Installed on or after July 1, 2020	Converted under § 192.14
1	1.1	1.1	1.25	1.25
2	1.25	1.25	1.25	1.25
3	1.4	1.5	1.5	1.5
4	1.4	1.5	1.5	1.5

¹ For offshore pipeline segments installed, uprated, or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For pipeline segments installed, uprated, or converted after July 31, 1977, that are located on an offshore platform or on a platform in inland navigable waters, including a pipe riser, the factor is 1.5.

² For a component with a design pressure established in accordance with § 192.153(a) or (b) installed after July 14, 2004, the factor is 1.3.

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested according to the requirements in paragraph (a)(2) of this section after the applicable date in the third column or the segment was uprated according to the requirements in subpart K of this part:

Pipeline segment	Pressure date	Test date
(i) Onshore regulated gathering pipeline (Type A or Type B under § 192.9(d)) that first became subject to this part (other than § 192.612) after April 13, 2006	March 15, 2006, or date pipeline becomes subject to this part, whichever is later	5 years preceding applicable date in second column.
(ii) Onshore regulated gathering pipeline (Type C under § 192.9(d)) that first became subject to this part (other than § 192.612) on or after May 16, 2022	May 16, 2023, or date pipeline becomes subject to this part, whichever is later	5 years preceding applicable date in second column.

iii) Onshore transmission pipeline that was a gathering pipeline not subject to this part before March 15, 2006	March 15, 2006, or date pipeline becomes subject to this part, whichever is later	5 years preceding applicable date in second column.
(iv) Offshore gathering pipelines	July 1, 1976	July 1, 1971.
(v) All other pipelines	July 1, 1970	July 1, 1965.

(4) The pressure determined by the operator to be the maximum safe pressure after considering and accounting for records of material properties, including material properties verified in accordance with § 192.607, if applicable, and the history of the pipeline segment, including known corrosion and actual operating pressure.

Enable failed to establish a Maximum Allowable Operating Pressure (MAOP) for its 4-inch, A-180 pipeline in accordance with § 192.619(a). Enable was unable to provide records demonstrating the establishment of the MAOP for its twenty miles pipeline located in Madison and Iron counties, Missouri, which was placed in service prior to 1970.

Specifically, Enable failed to properly establish the MAOP for the A-180 pipeline by not considering all of the factors in § 192.619(a), such as the design pressure of the weakest element in the segment, certain test pressures, the historical operating pressure, and the material properties of the pipeline.

Although Enable has operated the A-180 pipeline since 1964, it provided record for MAOP validation performed on 1100 feet of A-180 pipeline replacement in 2014 (between station 169+66 to 176+45 and 358+13 to 362+34) to substantiate its MAOP determination. For the remaining pipeline section, Enable provided a study performed in 2011 to compile the information for the original construction. However, Enable could not produce pressure test records, logs, or the highest actual operating pressure for the five-year period preceding July 1, 1970, to establish its MAOP in accordance with § 192.619(a).

Therefore, Enable's records do not meet the requirements of § 192.619(a) for establishing the MAOP of its 4-inch Line A-180 pipeline.

PROPOSED COMPLIANCE ORDER

Pursuant to 49 U.S.C. § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue to Enable Mississippi River Transmission, LLC (Enable) a Compliance Order incorporating the following remedial requirements to ensure the compliance of Enable with the pipeline safety regulations:

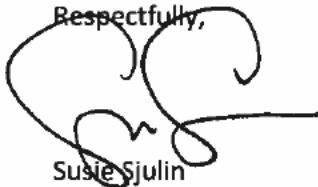
- A. *With regard to Item 1 of the Notice concerning Enable's failure to establish a Maximum Allowable Operating Pressure (MAOP) for its 20-mile 4-inch A-180 pipeline located in Missouri, also known as A-180 pipeline, Enable must establish an MAOP for A-180 in accordance with 49 C.F.R. § 192.619(a). Enable must submit a proposed plan for establishing an MAOP on A-180 to the Director, Southwest Region, PHMSA, for review and approval within 30 days of the issuance of the Final Order. Once PHMSA has approved the plan, Enable must implement the approved plan to establish the MAOP and submit corresponding documentation to PHMSA within 180 days of the issuance of the Final Order.*

EMRT's Response: At the time of the field inspection performed for Line A-180, EMRT was not able to produce the complete MAOP validation for this pipeline for PHMSA's review during the inspection. However, the attached exhibits provide the details of a complete MAOP review and establishment of Line A-180's MAOP which is in accordance with 49 CFR 192.619 and reveals compliance with the requirements cited by PHMSA above.

As a result of the above and attached, EMRT has demonstrated compliance with the regulatory requirements identified by PHMSA in the NOPV and PCO. With the actions taken and supporting documentation provided herein, EMRT believes it has fulfilled the requirements of this Compliance Order. Should you have any questions in this regard, please contact Jimmy Cross at 405-576-8230 or at Jimmy.Cross@EnergyTransfer.com.

Please note that the attached exhibits to this submission contain confidential business information and confidential security information that is protected from public disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. As such, those exhibits are marked "**Proprietary and Confidential Information**". Should PHMSA receive a FOIA request for this information, the Agency is required to notify Energy Transfer and provide the Company with an adequate opportunity to substantiate its claim, prepare redactions, and/or object, if warranted.

Respectfully,



Susie Sjulin
Director, Regulatory Compliance

Exhibits:

1. EMRT Line A-180 192-619 MAOP Validation Review
2. A-180 MAOP Validation PODS Data

cc: Eric Amundsen, Energy Transfer
Leif Jensen, Energy Transfer
Jimmy Cross, Energy Transfer
Joe Perez, Energy Transfer