

NOTICE OF AMENDMENT

VIA E-MAIL TO MR. DANNY SCHEDULE

January 9, 2023

Mr. Danny Schedule
Senior Director
Midstream Operations
Florida Power & Light Company
601 Travis Street, Suite 1900
Houston, Texas 77002

CPF 5-2023-014-NOA

Dear Mr. Schedule:

From June 7 through June 11, 2021, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code (U.S.C.), inspected Florida Power & Light's procedures for control room operations in Houston, Texas.

Based on the inspection, PHMSA has identified the apparent inadequacies found within Florida Power & Light's plans or procedures, as described below:

1. §192.631 Control room management.

(a) ...

(f) *Change management.* Each operator must assure that changes that could affect control room operations are coordinated with the control room personnel by performing each of the following:

(1) ...

(2) Require its field personnel to contact the control room when emergency conditions exist and when making field changes that affect control room operations;

Florida Power & Light's written procedures are inadequate to assure the safe operation of a pipeline facility.

Florida Power & Light's revised procedure, M-15 *Mainline Valves Inspection and Testing*, Document Number 2005220615, Revision 1, submitted to PHMSA after the inspection on October 28, 2021, fails to require that field personnel contact the control room when making field changes that affect control room operations pursuant to the requirements set forth in § 192.631(f)(2). Instead, under Section 5.0 – *Instructions*, and below subsection 5.1.4, the NOTE box states, in relevant part, "... The person performing this function **should** contact Gas Control Room before operating the valve and after the function is completed." As this is a requirement pursuant to § 192.631(f)(2), the procedure must require this action. Accordingly, the "should" should be changed to "must." Furthermore, the information in the NOTE box regarding contacting the control room should be more predominant in the procedure to ensure the reader recognizes the need to contact the control room prior to beginning the inspection.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. 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).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under § 190.211. 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 an Order Directing Amendment. If 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. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 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 Florida Power & Light maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Dustin Hubbard, Director, Western Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter,

please refer to **CPF 5-2023-014-NOA** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

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

cc: PHP-60 Compliance Registry
PHP-500 D. Fehling (#21-210179)