

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 28, 1997

Ms. Clide Forte
Assistant Plant Manager
Florida Power Corporation
P. O. Box 14042 (BP-39)
St. Petersburg, FL 33733

CPF No. 27604-W

Dear Ms. Forte:

On July 16-18, 1997, Derick Turner of the Southern Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, conducted an onsite inspection of your records, pipeline facilities, Anti-drug and Alcohol Misuse Prevention Program for pipeline employees in St. Petersburg, Florida.

As a result of the inspection, it appears that you have committed probable violations as noted below of pipeline safety regulations Title 49, Code of Federal Regulations, Part 195 and 199.

The items inspected and the probable violations are:

1. **§ 195.402(c)(14) requires the operator to have procedures for taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation, emergency rescue equipment, including a breathing apparatus and, a rescue harness and line.**

A review of the Florida Power's Operation and Maintenance Manual indicated that procedures for taking adequate precautions in excavated trenches to protect personnel from the hazards of unsafe accumulations of vapor or gas, and making available when needed at the excavation and emergency rescue equipment were not found in the manual.

2. **§ 199.7(a) requires each operator to have a written anti-drug plan that conforms to the requirements of Part 199 and the DOT Procedures. The plan must contain-**
- (1) **Methods and procedures for compliance with all the requirements of this part, including the employee assistance program;**
 - (2) **The name and address of each laboratory that analyzes the specimens collected for drug testing;**
 - (3) **The name and address of the operator's medical review officer;**
 - (4) **Procedures for notifying employees of the coverage and provisions of the plan.**

A review of the anti-drug plan found that the name and address for the MRO and the laboratory that analyzes the specimens collected were not in the plan.

The employee assistance program as required by §199.19 was not addressed in the anti-drug plan.

Procedures for ensuring that contractor employees meet the anti-drug requirements as required by §199.21 were not addressed in the plan.

3. **§ 199.245(b) requires the operator to ensure that contractor employees meet the requirements of Part 199, Subpart B, Alcohol Misuse Prevention Program.**

Procedures to ensure that contractor employees meet the requirements of Part 199, Subpart B, Alcohol Misuse Prevention Program, were not contained in the plan.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$25,000 for each violation for each day the violations persists up to a maximum of \$500,000 for any related series of violations.

We have reviewed the circumstances and supporting documents involved in this case, and have decided not to assess you a civil penalty. We advise you, however, that should you not correct the circumstances leading to the violations, we will take enforcement action when and if the continued violations comes to our attention.

You will not hear from us again with regard to the noted inspection and our subsequent action. Because of the good faith that you have exhibited up to this time, we expect that you will act to bring your pipeline (and/or your operations) into compliance with pipeline safety regulations.

Please refer to CPF No. 27604-W in any correspondence and/or communication on this matter.

Sincerely,

Frederick A. Joyner
Director, Souther Region
Office of Pipeline Safety

cc: Compliance Registry, OPS Headquarters

Derick/mw/DPS-25/7/23/97
FILE: CPF: 27604-W/Florida Power Corporation
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cc: DPS-20.1, Regions, Derick