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GAS PIPELINE - TRANSCO  
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January 27, 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. William H. Gute  
Regional Director, Eastern Region  
Office of Pipeline Safety  
409 3<sup>rd</sup> Street, S.W.  
PHP-100, Suite 300  
Washington, DC 20024

Re: CPF No. 1-2005-1007

Dear Mr. Gute:

Enclosed please find Respondent Williams Gas Pipeline - Transco's Request for Hearing on the Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order in this docket.

Very truly yours,

A handwritten signature in cursive script that reads "Donald E. Hockaday, III".

Donald E. Hockaday, III  
Senior Attorney

enclosure

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DIRECTOR, EASTERN REGION  
OFFICE OF PIPELINE SAFETY  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
WASHINGTON, DC

In the Matter of

Williams Gas Pipeline – Transco

Respondent.

CPF No. 1-2005-1007

REQUEST FOR HEARING ON THE NOTICE OF PROBABLE VIOLATION  
PROPOSED CIVIL PENALTY AND PROPOSED COMPLIANCE ORDER

Respondent, Transcontinental Gas Pipe Line Corporation, referred to as Williams Gas Pipeline – Transco<sup>1</sup> (WGPT) requests a hearing concerning the findings described in the Notice of Probable Violation, Proposed Civil Penalty and Proposed Compliance Order (NOPV) issued in this docket on December 29, 2005. The issues upon which WGPT seeks a hearing are as follows:

1. WGPT disagrees with the evidence supporting Violation 1B that its failure to hand dig within two feet of line ‘A’ violated WGPT Onshore Pipeline Construction Specification 90.05.00; Subpart 5.2.3. This requirement applies to pipelines that are in service. In fact, the pipeline that was under excavation at the time of the incident (“A” line) was not in service – it had been blown down and isolated. Thus, there was no violation of company procedure caused by using machinery to excavate within two feet of it.
2. WGPT disagrees with the evidence supporting Violation 1C and Violation 2 which state that §192.605(b)(3) and WGPT’s own procedures require as-built drawings to be located **on site**. In fact, the regulation and the company procedure<sup>2</sup> require that the drawings be “made available” to the appropriate operating personnel but do not specifically require that they be located on site. WGPT made the drawings available at its construction job office for use by the appropriate construction personnel, thus satisfying the requirements of the regulation and the company procedure.
3. WGPT disagrees with the evidence supporting Violation 1D that the pipeline was in service for 13 days with a non-compliant weld. In fact, the pipeline was taken out of service on October 12, 2005. Thus, the line was in service for only 8 days after the non-compliant weld was made.

<sup>1</sup> Williams Gas Pipeline – Transco has been used as a commercial name by Respondent but Respondent’s legal name is Transcontinental Gas Pipe Line Corporation. For sake of consistency with the terminology used in the NOPV, the abbreviation “WGPT” will be used to refer to Respondent.

<sup>2</sup> O&M Policy 10.12, *Construction Records and Maps*

4. WGPT disagrees with the evidence supporting Violation 3B that the absence of the spotter at the time of the incident constitutes a violation of §192.614(c)(6). This regulation requires that inspection of pipelines must be done “as frequently as necessary during and after the [excavation] activities to verify the integrity of the pipelines.” WGPT had an inspector and its contractor had the backhoe operator present at the site at all times during the excavation work, which was sufficient to provide the required inspection of the pipeline even when the spotter was not present.

5. WGPT disagrees with the evidence supporting Violation 4A that the contract surveyor who located and marked Line “A” was not qualified to perform Covered Task (CT) 605. In fact, this surveyor had been qualified on a covered task<sup>3</sup> that is functionally equivalent to CT 605 while working for a previous employer but his qualification record was not forwarded to the employer he was working for at the time of the incident.

6. WGPT disagrees with the evidence supporting Violation 4B that the WGPT contract spotter was required to be qualified to perform WGPT Covered Task No. 607. §192.805 (c) provides that the operator may allow individuals that are not qualified to perform a covered task if directed and observed by an individual that is qualified. In this case, the backhoe operator on site, who was qualified to perform Covered Task No. 607, was directing and observing the activities of the spotter, as authorized by the regulation.

7. WGPT considers the amount of the proposed civil penalty to be excessive. The factors to be considered in assessing a civil penalty are set forth in §190.225:

- (a) The nature, circumstances and gravity of the violation;
- (b) The degree of the respondent’s culpability;
- (c) The respondent’s history of prior offenses;
- (d) The respondent’s ability to pay;
- (e) Any good faith by the respondent in attempting to achieve compliance;
- (f) The effect on the respondent’s ability to continue in business; and
- (g) Such other matters as justice requires.

The following considerations serve to reduce the proposed penalty:

1. The incident caused no bodily harm or property damage.
2. WGPT has an excellent compliance history.
3. WGPT responded promptly to the incident. Emergency officials were notified within approximately 20 minutes of the discovery of leaking gas and the pipeline was isolated and blown down in approximately two hours.
4. WGPT cooperated fully with OPS’s investigation of the incident. In fact, WGPT initiated a meeting with Pipeline and Hazardous Materials Safety Administration (PHMSA) on November 29, 2005 to report the initial results and recommendations of its root cause analysis.
5. In its press release announcing the NOPV<sup>4</sup>, PHMSA Acting Administrator, Brigham A. McCown, described the action taken as “aggressive” and that the agency is considering tougher requirements for all operator qualifications as a result of the Chantilly “and other incidents.” It is unjust and contrary to the intent of §190.225 to assess the maximum possible civil penalty against WGPT, which has an outstanding compliance history, because PHMSA and

<sup>3</sup> WGPOQ310, *Temporary Marking of Buried Pipelines*

<sup>4</sup> PHMSA 4-05 (December 29, 2005)

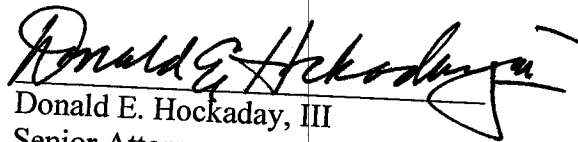
OPS wish to make it the object of an aggressive enforcement campaign based in part on incidents in which it was not involved.

Respondent requests that the presiding official at the hearing recommend to the Associate Administrator, OPS that the NOPV be modified in the following respects:

1. By eliminating Violation 1B.
2. By revising the Reference Description for Violation 1D to read "Line in service for 8 days with non-compliant weld."
3. By eliminating Violation 2.
4. By eliminating Violation 3B.
5. By eliminating Violation 4A.
6. By eliminating Violation 4B.
7. By reducing the amount of the proposed civil penalty to an amount consistent with §190.225.

WGPT will be represented by counsel at the hearing.

Respectfully submitted,

  
Donald E. Hockaday, III  
Senior Attorney