



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 South Gessner, Suite 1110
Houston, TX 77074

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 29, 2007

Mr. Allan Schnieder
Vice President Engineering & Operations
Enbridge Energy Company, Inc.
1100 Louisiana, Suite 3330
Houston, TX 77002

CPF 4-2007-1014M

Dear Mr. Schneider:

On September 11, 2007, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Enbridge Energy Company's (Enbridge) Operator Qualification (OQ) Plan in Houston, Texas.

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

1. §192.805 Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(a) Identify covered tasks

Enbridge's OQ plan needs to specify covered tasks that may be performed by third party personnel qualified through MMS T2 certification.

2. §192.805 Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(b) Ensure through evaluation that individuals performing covered tasks are qualified

Enbridge's OQ plan needs provisions to:

- Specify the criteria for pass/fail for performance evaluations.
- Ensure covered tasks are broken down into subtasks or the individual is assessed on all the elements of the task and not allow individuals to complete partial evaluations for a task and be qualified for the full task.
- Address re-evaluation intervals and evaluation methods for individual qualifications accepted through a merger or acquisition.
- Address the need for performance evaluations for covered tasks identified as difficult to perform specifically for the qualifications accepted through EWebOQ. EwebOQ currently does not use performance evaluations as an evaluation method.
- Ensure performance evaluations for each covered task include evaluation of all elements required to perform the covered task.
- Ensure that task specific evaluations use consistent evaluation methods for contractors who are qualified using OQSG, EWebOQ and NCCER. The OQ plan currently requires written/CBT assessments and performance evaluations/verifications for OQSG and NCCER but only requires a written/CBT assessment for EWebOQ.
- Ensure that annual visual acuity exam reports for NDT II level certifications are listed as a requirement for current qualification.
- Ensure AOC's listed on the Enbridge Task Specific Evaluation forms used by evaluators during evaluations include reactions that are to be taken when each AOC is encountered.
- Ensure that reactions to AOC's by Contractors are addressed when different than reactions to AOC's by company employees.

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 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.

In correspondence concerning this matter, please refer to **CPF 4-2007-1014M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



R. M. Seeley
Director, Southwest Region
Pipeline and Hazardous
Materials Safety Administration

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