



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

233 Peachtree Street Ste. 600
Atlanta, GA 30303

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED COMPLIANCE ORDER**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 9, 2007

Mr. Ted Obrien
President
Equitable Production Company
225 North Shore Drive
Pittsburgh, PA 15212

CPF 2-2007-1005

Dear Mr. Obrien:

On May 23-24, 2006, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected your procedures and records at the Big Stone Gap, Virginia office for the Clintwood, Virginia pipeline facilities.

As a result of the inspection, it appears that you have committed probable violations of Part 192 Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violation(s) are:

1. §192.705 Transmission lines: Patrolling.

(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:

Class location of line	Maximum interval between patrols	
	At highway and railroad crossings	At all other places
1, 2	7 ½ months; but at least twice each calendar year.	15 months; but at least once each calendar year.
3	4 ½ months; but at least four times each calendar year.	7 ½ months; but at least twice each calendar year.
4	4 ½ months; but at least four times each calendar year.	4 ½ months; but at least four times each calendar year.

The recorded dates for the class 3 patrolling interval of highway crossings during the year of 2005 did not meet the code requirements. The patrolling dates found on record were as follows:

<u>2004 Year</u>	<u>2005 Year</u>	<u>2006 Year</u>
11-01-04	05-06-05	01-13-06
	06-06-05	04-25-06
	12-21-05	05-12-06

2. §192.603 General provisions.

(b) Each operator shall keep records necessary to administer the procedures established under §192.605.

The records reviewed for annual monitoring of the cathodic protection indicated that monitoring was performed in July of 2004 and June of 2005. The June 2005 documentation were pictures of the digital meter p/s reading and half-cell at the test station location. Records should be maintained in accordance with the company's procedure for documentation and completion of company forms.

Proposed Compliance Order

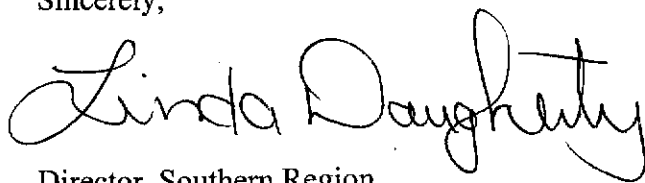
Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration proposes to issue a Compliance Order to Equitable Production Company. Please refer to the *Proposed Compliance Order* that is enclosed and made a part of this Notice.

Response to this Notice

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.

In your correspondence on this matter, please refer to **CPF 2-2007-1005** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

A handwritten signature in cursive script that reads "Linda Daugherty".

Director, Southern Region
Pipeline and Hazardous Materials Safety Administration

Enclosures: *Proposed Compliance Order*
Response Options for Pipeline Operators in Compliance Proceedings

PROPOSED COMPLIANCE ORDER

Pursuant to 49 United States Code § 60118, the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to issue Equitable Production Company a Compliance Order incorporating the following remedial requirements to ensure the compliance of Equitable Production Company with the pipeline safety regulations:

1. In regard to Item Number 1. of the Notice pertaining to Transmission Lines - Patrolling, Equitable Production Company must establish and document a process for ensuring that routine patrolling of the pipeline system is performed as required by the regulation.
2. Provide documentation meeting the requirements of the above items to the Director, Southern Region, within 90 days of receipt of the Final Order by Equitable Production Company.
3. Equitable Production Company shall maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to Linda Daugherty, Director, Southern Region, Pipeline and Hazardous Materials Safety Administration. Costs shall be reported in two categories: 1) total cost associated with preparation/revision of plans, procedures, studies and analyses, and 2) total cost associated with replacements, additions and other changes to pipeline infrastructure.