



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 South Gessner, Suite 1110
Houston, TX 77074

WARNING LETTER

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 4-2007-1015W

Dear Mr. Schnieder:

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

As a result of the inspection, it appears that you have committed a probable violation of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The item inspected and the probable violation is:

1. **§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 did not follow their Operator Qualification Plan when allowing a contract individual who was not properly qualified to perform task CT22(Inspect Valves) at their Johnson Bayou,

Louisiana Facility. The qualifications for the contract individual did not meet the requirements to be qualified for the covered task.

During the inspection, maintenance records and qualification records for Enbridge employees and contractors were reviewed. The review determined that on August 31, 2007 Enbridge allowed a contract individual from Louisiana Safety Systems to perform task CT22 without being qualified according to the Operator Qualification Plan. The Operator Qualification Plan allows Enbridge to accept qualifications of contractor individuals who have successfully passed the required evaluations from QQSG, NCCER or EWebOQ. CT22 requires that a contract individual must pass a written assessment and performance evaluation through QQSG or NCCER. The records indicated that the contract individual had passed the required QQSG and NCCER written assessments but did not indicate that he had passed the required performance evaluations. Enbridge needs to ensure that supervisors verify that contractors have the proper qualifications prior to allowing them to perform covered tasks on pipeline facilities.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the item identified in this letter. Failure to do so will result in Enbridge Energy Company, Inc. being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 4-2007-1015W**. 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).

Sincerely,



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