



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

DEC 30 2010

1200 New Jersey Ave., SE  
Washington, DC 20590

Mr. Jerry J. Ashcroft  
Vice President, Field Operations  
Buckeye Partners, L.P.  
5 Tek Park  
9999 Hamilton Blvd  
Breinigsville, PA 18031

**Re: CPF No. 3-2007-5026**

Dear Mr. Ashcroft:

Enclosed is the Final Order issued in the above-referenced case. It withdraws one of the allegations of violation, makes findings of violation, assesses a civil penalty of \$167,000, and specifies actions to be taken to comply with the pipeline safety regulations. The penalty payment terms are set forth in the Final Order. When the civil penalty is paid and the terms of the compliance order completed, as determined by the Director, Central Region, PHMSA, this enforcement action will be closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese  
Associate Administrator  
for Pipeline Safety

Enclosure

cc: Mr. David Barrett, Director, Central Region, PHMSA

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7005 1160 0001 0041 0756]**

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

In the Matter of	)	
	)	
Buckeye Partners, L.P.,	)	CPF No. 3-2007-5026
	)	
Respondent	)	

**FINAL ORDER**

Between October 17, 2005 and March 16, 2006, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety conducted an on-site pipeline safety inspection of Respondent's facilities in Illinois, Indiana, Ohio, Michigan, and compliance records in Emmaus, Pennsylvania. As a result of the inspection, the Director, Central Region, PHMSA, issued to Respondent, by letter dated September 10, 2007, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had committed violations of 49 C.F.R. Part 195 and proposed assessing a civil penalty of \$202,000 for the alleged violations. The Notice also proposed ordering Respondent to take certain measures to correct the alleged violations.

After requesting and receiving an extension of time, Respondent responded to the Notice by letter dated December 12, 2007 (Response). Respondent contested three of the allegations of violation, offered explanations, provided information concerning the corrective actions it has taken, and requested that the proposed civil penalty be reduced. Respondent did not request a hearing, and therefore has waived its right to one.

**FINDINGS OF VIOLATION**

**Item 1:** The Notice alleged that Respondent violated 49 C.F.R. § 195.402, which states:

**§ 195.402 Procedural manual for operations, maintenance, and emergencies.**

(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes

made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

\* \* \*

(c) Maintenance and normal operations. The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) Making construction records, maps, and operating history available as necessary for safe operation and maintenance.

Specifically, Item 1 in the Notice alleged that Respondent failed to follow its procedures for making accurate maps available for the safe operation of the Two Rivers Pipeline. Respondent's field personnel were found to be using outdated alignment sheets that did not reflect the presence of certain valves and stations that had been installed or removed.

In its Response, Respondent did not dispute the allegation in the Notice that the alignment sheets in use were inaccurate, but provided information and explanations of potential relevance to a penalty assessment. Accordingly, after considering all the evidence, I find that Respondent violated 49 C.F.R. § 195.402 as more fully described in the notice. The explanatory information will be discussed in the Assessment of Penalty section below.

**Item 2a:** The Notice alleged that Respondent violated 49 C.F.R. § 195.404(c), which states:

**§ 195.404 Maps and records.**

(c) Each operator shall maintain the following records for the periods specified:

(1) The date, location, and description of each repair made to pipe shall be maintained for the useful life of the pipe.

(2) The date, location, and description of each repair made to parts of the pipeline system other than pipe shall be maintained for at least 1 year.

(3) A record of each inspection and test required by this subpart shall be maintained for at least 2 years or until the next inspection or test is performed, whichever is longer.

Specifically, Item 2a in the Notice alleged that Respondent failed to maintain records of certain monthly breakout tank inspections required by § 195.432.

In its Response, Respondent did not dispute the allegation in the Notice that it did not maintain complete records of the specified monthly breakout tank inspections, but explained that "some" of the inspection records were not missing entirely, but rather were incomplete because they lacked completion dates. Respondent, however, did not provide documentation demonstrating which of these records were missing and which were incomplete. In any event, maintaining incomplete records constitutes a failure to maintain all required records. Accordingly, after considering all the evidence, I find that Respondent violated 49 C.F.R. § 195.404(c) as more fully described in the notice.

**Item 2b:** The Notice alleged that Respondent violated 49 C.F.R. § 195.404(c), which states:

**§ 195.404 Maps and records.**

(c) Each operator shall maintain the following records for the periods specified:

(1) The date, location, and description of each repair made to pipe shall be maintained for the useful life of the pipe.

(2) The date, location, and description of each repair made to parts of the pipeline system other than pipe shall be maintained for at least 1 year.

(3) A record of each inspection and test required by this subpart shall be maintained for at least 2 years or until the next inspection or test is performed, whichever is longer.

Specifically, Item 2b in the Notice alleged that Respondent failed to maintain records of certain main line valve inspections required by § 195.420.

In its Response, Respondent did not dispute the allegation in the Notice that it did not maintain complete records of the specified main line valve inspections, but offered the same explanation it provided for Item 2b that the records were incomplete. Maintaining incomplete records constitutes a failure to maintain all required records. Accordingly, after considering all the evidence, I find that Respondent violated 49 C.F.R. § 195.404(c) as more fully described in the notice.

**Item 2c:** The Notice alleged that Respondent violated 49 C.F.R. § 195.404(c), which states:

**§ 195.404 Maps and records.**

(c) Each operator shall maintain the following records for the periods specified:

(1) The date, location, and description of each repair made to pipe shall be maintained for the useful life of the pipe.

(2) The date, location, and description of each repair made to parts of the pipeline system other than pipe shall be maintained for at least 1 year.

(3) A record of each inspection and test required by this subpart shall be maintained for at least 2 years or until the next inspection or test is performed, whichever is longer.

Specifically, Item 2c in the Notice alleged that Respondent failed to maintain records documenting completion of the Bradley Road relief valve inspection on the Toledo-to-Cleveland pipeline in 2004 as required by § 195.428.

In its Response, Respondent acknowledged that the relief valve inspection required to be performed in calendar year 2004 was not performed until January 2005. Accordingly, after considering all the evidence, I find that Respondent violated 49 C.F.R. § 195.404(c) as more fully described in the notice.

**Item 3:** The Notice alleged that Respondent violated 49 C.F.R. § 195.410(a), which states:

**§ 195.410 Line markers.**

(a) Except as provided in paragraph (b) of this section, each operator shall place and maintain line markers over each buried pipeline in accordance with the following:

(1) Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.

(2) The marker must state at least the following on a background of sharply contrasting color:

(i) The word “Warning,” “Caution,” or “Danger” followed by the words “Petroleum (or the name of the hazardous liquid transported) Pipeline”, or “Carbon Dioxide Pipeline,” all of which, except for markers in heavily developed urban areas, must be in letters at least 1 inch (25 millimeters) high with an approximate stroke of 1/4inch (6.4 millimeters).

(ii) The name of the operator and a telephone number (including area code) where the operator can be reached at all times.

Specifically, the Notice alleged that:

(a) The line markers placed at the span crossing at East 55<sup>th</sup> Street in Cleveland, Ohio on the 523 pipeline did not identify Buckeye as the operator or display a 24-hour telephone number;

(b) Sixteen (16) line markers specified in the Notice displayed 215-967-3131 which was the incorrect telephone number for reaching Buckeye;

(c) Five (5) line markers specified in the notice displayed 216-274-2234 which was the incorrect telephone number for reaching Buckeye; and

(d) Seven (7) line markers specified in the Notice displayed 800-634-4325 which was the incorrect telephone number and also misidentified the operator.

In its Response, Respondent did not dispute the allegations in the Notice. Accordingly, after considering all the evidence, I find that Respondent violated 49 C.F.R. § 195.410(a) as more fully described in the notice.

**Item 6:** The Notice alleged that Respondent violated 49 C.F.R. § 195.452(h)(2), which states:

**§ 195.452 Pipeline integrity management in high consequence areas.**

(h) What actions must an operator take to address integrity issues? —

(1) General requirements . An operator must take prompt action to address all anomalous conditions the operator discovers through the integrity assessment or information analysis. In addressing all conditions, an operator must evaluate all anomalous conditions and remediate those that could reduce a pipeline's integrity. An operator must be able to demonstrate that the remediation of the condition will ensure the condition

(i) Temporary pressure reduction. An operator must notify PHMSA, in accordance with paragraph (m) of this section, if the operator cannot meet the schedule for evaluation and remediation required under paragraph (h)(3) of this section and cannot provide safety through a temporary reduction in operating pressure.

(ii) Long-term pressure reduction. When a pressure reduction exceeds 365 days, the operator must notify PHMSA in accordance with paragraph (m) of this section and explain the reasons for the delay. An operator must also take further remedial action to ensure the safety of the pipeline.

(2) Discovery of condition. Discovery of a condition occurs when an operator has adequate information about the condition to determine that the condition presents a potential threat to the integrity of the pipeline. An operator must promptly, but no later than 180 days after an integrity assessment, obtain sufficient information about a condition to make that determination, unless the operator can demonstrate that the 180-day period is impracticable.

Specifically, the Notice alleged that Respondent failed to promptly determine that a condition presenting a potential integrity threat was present on its 301 pipeline. On February 27, 2004, Respondent's ILI vendor reported sufficient information about the dent and metal loss condition at wheel count 72475.1 for Respondent to make a determination that an immediate repair condition was present, but Respondent did not make the required determination until April 5, 2004.

In its Response, Respondent acknowledged that there was a delay of approximately 45 days in determining that the condition at the specified location was an immediate repair condition requiring appropriate field action, but contended that the ILI report did not provide definitive information about the condition because the vendor did not highlight it in the Executive Summary and feature summary listings. Respondent, however, did not dispute the fact that sufficient information to identify the condition was contained elsewhere in the report. The failure of Respondent's vendor to highlight a feature in an Executive Summary does not relieve Respondent of its obligation to thoroughly review all data and information resulting from an ILI tool run. Accordingly, after considering all the evidence, I find that Respondent violated 49 C.F.R. § 195.452(h)(2) as more fully described in the notice.

**Item 7:** The Notice alleged that Respondent violated 49 C.F.R. § 195.452(h)(4), which states:

**§ 195.452 Pipeline integrity management in high consequence areas.**

(h) What actions must an operator take to address integrity issues? —  
 (1) General requirements . An operator must take prompt action to address all anomalous conditions the operator discovers through the integrity assessment or information analysis. In addressing all conditions, an operator must evaluate all anomalous conditions and remediate those that could reduce a pipeline's integrity. An operator must be able to demonstrate that the remediation of the condition will ensure the condition is unlikely to pose a threat to the long-term integrity of the pipeline. An operator must comply with §195.422 when making a repair.

\* \* \*

(4) Special requirements for scheduling remediation —(i) Immediate repair conditions. An operator's evaluation and remediation schedule must provide for immediate repair conditions. To maintain safety, an operator must temporarily reduce operating pressure or shut down the pipeline until the operator completes the repair of these conditions. An operator must calculate the temporary reduction in operating pressure using the formula in section 451.7 of ASME/ANSI B31.4 (incorporated by reference, see §195.3). An operator must treat the following conditions as immediate repair conditions:

\* \* \*

(C) A dent located on the top of the pipeline (above the 4 and 8 o'clock positions) that has any indication of metal loss, cracking or a stress riser.

Specifically, the Notice alleged that Respondent failed to reduce the pressure or shut down the 301 pipeline until the dent and metal loss condition at wheel count 72475.1 referenced in Item 6 above was repaired. On February 27, 2004, Respondent's ILI vendor reported sufficient information about the condition to identify it as an immediate repair condition but Respondent did not take immediate action to reduce the pressure between the discovery date and April 15, 2004, the date of repair.

In its Response, Respondent did not dispute the allegation in the Notice that it failed to reduce the pressure or shut down the 301 pipeline until the specified condition was repaired, but provided information and explanations of potential relevance to a penalty assessment. Accordingly, after considering all the evidence, I find that Respondent violated 49 C.F.R. § 195.452(h)(4) as more fully described in the notice. The explanatory information will be discussed in the Assessment of Penalty section below.

**Item 9a:** The Notice alleged that Respondent violated 49 C.F.R. § 195.583(a), which states:

**§ 195.583 What must I do to monitor atmospheric corrosion control?**

(a) You must inspect each pipeline or portion of pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, at least once every 3 calendar years, but with intervals not exceeding 39 months for onshore pipelines.

Specifically, the Notice alleged that Respondent failed to demonstrate that documented atmospheric corrosion inspections were conducted during the three year period preceding the OPS inspection on 4 spans located at approximately MP 171.9, 172, 175, and 175.5 on the Two Rivers Pipeline.

In its Response, Respondent did not dispute the allegation in the Notice that it could not document the performance of atmospheric corrosion inspections during the relevant three-year period, but explained that it had only owned the pipeline for one year and therefore believed it had two more years in which to perform these inspections. I find Respondent's argument

unpersuasive. If the previous owner had performed these inspections nearly three years before the sale, and Respondent could wait three more years, the result would be a six-year period between inspections which is not consistent with the intent of the regulation. If an operator intends to rely on the inspections performed by a previous owner, it must acquire and maintain the former owner's records to establish the dates the inspections were performed and conduct the next inspection within the applicable interval. Accordingly, after considering all the evidence, I find that Respondent violated 49 C.F.R. § 195.583(a) as more fully described in the notice.

### **WITHDRAWAL OF ALLEGATION**

**Item 5:** The Notice alleged that Respondent violated 49 C.F.R. § 195.412(a) which states:

**§ 195.412 Inspection of rights-of-way and crossings under navigable waters.**

(a) Each operator shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way. Methods of inspection include walking, driving, flying or other appropriate means of traversing the right-of-way.

The Notice alleged that Respondent failed to patrol an area of its right-of-way in the vicinity of Allen Park, Michigan in a manner that allowed it to observe surface conditions. Specifically, the Notice alleged that Respondent elected to use aerial patrolling for this right-of-way but failed to clear vegetation overgrowth that interfered with aerial observation and proposed that a civil penalty of \$35,000 be assessed for the alleged violation.

In its response, Respondent explained that in addition to aerial patrolling, it also used ground patrols for this right-of-way and demonstrated the adequacy of these ground patrols by providing copies of weekly vehicle patrol reports for the relevant time period. Because Respondent has demonstrated compliance with the regulation, I am withdrawing this allegation.

### **ASSESSMENT OF PENALTY**

Under 49 U.S.C. § 60122, Respondent is subject to a civil penalty not to exceed \$100,000 per violation for each day of the violation up to a maximum of \$1,000,000 for any related series of violations.

49 U.S.C. § 60122 and 49 C.F.R. § 190.225 require that, in determining the amount of the civil penalty, I consider the following criteria: nature, circumstances, and gravity of the violation; degree of Respondent's culpability; history of Respondent's prior offenses; Respondent's ability to pay the penalty; good faith by Respondent in attempting to achieve compliance; the effect on Respondent's ability to continue in business; and such other matters as justice may require.

With respect to Item 2a, the Notice proposed a civil penalty of \$9,000 for Respondent's failure to maintain complete records of certain monthly breakout tank inspections in accordance with § 195.432. Accurate and complete recordkeeping is important to the safe operation of a pipeline. Violations of recordkeeping requirements are serious because in the absence of complete and reliable records, neither a pipeline operator nor OPS can properly evaluate and oversee the

effectiveness of a safety program. In its response, Respondent acknowledged that some of its records were incomplete and explained that a new work order software system which was installed in 2003 was in part responsible. Respondent explained that the learning curve required by this new software and the fact that it did not automatically require the entry of a completion date resulted in missing or incomplete completion dates in some of its preventive maintenance records. Respondent, however, has provided no information that would warrant a reduction in the civil penalty amount proposed in the Notice for this violation. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$9,000 for violating 49 C.F.R. § 195.432.

With respect to Item 2b, the Notice proposed a civil penalty of \$9,000 for Respondent's failure to maintain records of certain main line valve inspections in accordance with § 195.420. Accurate and complete recordkeeping is important to the safe operation of a pipeline. Violations of recordkeeping requirements are serious because in the absence of complete and reliable records, neither a pipeline operator nor OPS can properly evaluate and oversee the effectiveness of a safety program. In its response, Respondent acknowledged that its records were incomplete and again explained that its new work order software system was in part responsible. Respondent, however, has provided no information that would warrant a reduction in the civil penalty amount proposed in the Notice for this violation. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$9,000 for violating 49 C.F.R. § 195.420.

With respect to Item 2c, the Notice proposed a civil penalty of \$9,000 for failure to maintain records documenting completion of the Bradley Road relief valve inspection in 2004 in accordance with § 195.428. In its response, Respondent acknowledged that the relief valve inspection required to be performed in calendar year 2004 was not performed until January of 2005 and stated that it was taking steps to ensure such inspections would be performed within the required interval in the future. Respondent, however, has provided no information that would warrant a reduction in the civil penalty amount proposed in the Notice for this violation. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$9,000 for violating 49 C.F.R. § 195.428.

With respect to Item 6, the Notice proposed a civil penalty of \$70,000 for Respondent's failure to promptly determine that a condition presenting a potential integrity threat was present on its 301 pipeline in accordance with § 195.452(h)(2). Pipeline operators are obligated to thoroughly review the results of integrity assessments and promptly identify any integrity threatening anomalies. Any unwarranted delays, particularly if any anomalies meet the criteria for immediate repair conditions, can have direct safety impacts. In its response, Respondent stated that it was taking steps to ensure this failure would not occur again including adding a new integrity management position, having personnel attend additional training, and improving the process of loading the raw ILI data into its software to identify immediate and 60-day conditions and communicate them to the field. Respondent, however, has provided no information that would warrant a reduction in the civil penalty amount proposed in the Notice for this violation.

Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$70,000 for violating 49 C.F.R. § 195.452(h)(2).

With respect to Item 7, the Notice proposed a civil penalty of \$70,000 for Respondent's failure to reduce the pressure or shut down the 301 pipeline until an immediate repair condition was repaired as required by § 195.452(h)(4). Pipeline operators are obligated to take immediate action including temporarily reducing operating pressure or shutting down a line until repairs can be made when anomalies meeting the criteria for immediate repair conditions are identified in the course of an integrity assessment. The failure to do so can have direct safety impacts. In its response, Respondent stated that it had revised its process to ensure appropriate personnel make the required pressure calculations and reduce the pressure until repairs are completed on immediate repair conditions when they are identified. Respondent also revised its process to ensure field personnel understand which digs are for immediate conditions, which are 60-day conditions, etc. and to record the discovery date, condition interval, and due date. Respondent, however, has provided no information that would warrant a reduction in the civil penalty amount proposed in the Notice for this violation. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$70,000 for violating 49 C.F.R. § 195.452(h)(4).

For the reasons discussed above, having reviewed the record and considered the assessment criteria, I assess Respondent a total civil penalty of \$167,000. Respondent has the ability to pay this penalty without adversely affecting its ability to continue in business.

Payment of the civil penalty must be made within 20 days of service. Federal regulations (49 C.F.R. § 89.21(b)(3)) require this payment be made by wire transfer, through the Federal Reserve Communications System (Fedwire), to the account of the U.S. Treasury. Detailed instructions are contained in the enclosure. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-341), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125; (405) 954-8893.

Failure to pay the \$167,000 civil penalty will result in accrual of interest at the current annual rate in accordance with 31 U.S.C. § 3717, 31 C.F.R. § 901.9 and 49 C.F.R. § 89.23. Pursuant to those same authorities, a late penalty charge of six percent (6%) per annum will be charged if payment is not made within 110 days of service. Furthermore, failure to pay the civil penalty may result in referral of the matter to the Attorney General for appropriate action in a United States District Court.

### **COMPLIANCE ORDER**

The Notice proposed a compliance order with respect to Items 1, 3, and 9a in the Notice for violations of § 195.402, § 195.410(a), and § 195.583(a). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of hazardous liquids or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601.

With respect to Item 1, Respondent provided documentation in its response demonstrating that it has updated and made accurate updated maps available to its operating personnel. With respect to Item 9a, Respondent provided a work plan and schedule for inspecting all exposed pipe on the Two Rivers pipeline system for atmospheric corrosion and taking any necessary action. These actions comply with the requirements in items 1 and 9a of the Proposed Compliance Order.

With respect to Item 3, Respondent has not yet demonstrated action was taken to address the line markers. Pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. In regard to Item 3(a)-(d) of the Notice pertaining to inaccurate telephone numbers on some of the line markers:

Within 90 days following receipt of this Final Order, present a plan and work schedule for the updating of all Buckeye Partners' line markers to only display a working telephone number or numbers. The plan and schedule must require that all work will be completed within 365 days of receipt of the Final Order.

2. Buckeye Partners must maintain documentation of the safety improvement and compliance costs associated with fulfilling this Compliance Order and submit the total to David Barrett, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. Respondent must report costs 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 physical changes to the pipeline. Respondent must report these costs within 90 days after the completion of the tasks in this Compliance Order.

The Director may grant an extension of time to comply with the required item upon a written request timely submitted by the Respondent demonstrating good cause for an extension.

Failure to comply with this Order may result in administrative assessment of civil penalties not to exceed \$100,000 for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

### **WARNING ITEMS**

With respect to Items 2d, 4, 8, and 9b, the Notice alleged probable violations of Part 195, but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. The warnings were for:

49 C.F.R. § 195.404 (Notice Item 2d) — Respondent's alleged failure to maintain individual records of monthly breakout tank inspections at multi-tank facilities;

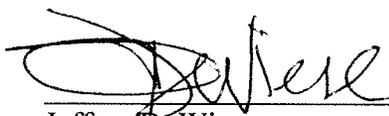
49 C.F.R. § 195.410(c) (Notice Item 4) — Respondent's alleged failure to place a line marker at the above ground span located at MP 175 on the Two Rivers system;

49 C.F.R. § 195.452(f)(8) (Notice Item 8) — Respondent's alleged failure to ensure that its process for review of integrity assessment results by qualified personnel was fully implemented; and

49 C.F.R. § 195.583(a) (Notice Item 9b) — Respondent's alleged failure to inspect and document an atmospheric corrosion examination on an exposure located in an underground vault located at approximately 20+59 on the Erie Junction to Dry Dock pipeline section during the three year period preceding the OPS inspection.

Respondent presented information in its Response showing that it had initiated actions to address the cited items. Having considered such information, I find, pursuant to 49 C.F.R. § 190.205, that probable violations of 49 C.F.R. Part 195 have occurred and Respondent is hereby advised to correct such conditions. If OPS finds a violation for any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

Under 49 C.F.R. § 190.215, Respondent has a right to submit a petition for reconsideration of this Final Order. Should Respondent elect to do so, the petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The filing of a petition automatically stays the payment of any civil penalty assessed. All other terms of the order, including any required corrective action, remain in full effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective on receipt.



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Jeffrey D. Wiese  
Associate Administrator  
for Pipeline Safety

**DEC 30 2010**

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Date Issued