

## NOTICE OF AMENDMENT

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

October 25, 2011

Mr. Allen Nesteby  
Operations Superintendent  
Barrow Utilities & Electric Cooperative, Inc.  
1295 Agvik St.  
P.O. Box 449  
Barrow Alaska 99723

**CPF 5-2011-0019M**

Dear Mr. Nesteby:

On October 1, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code inspected Barrow Utilities & Electric Cooperative's (BUECI) procedures for Public Awareness Program in Anchorage, Alaska.

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

- 1. §192.616 Public Awareness**
  - (a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference,**

BUECI's Public Awareness Program does not list where a statement of management support can be found. BUECI's Public Awareness Program section 1.5, "Commitment from Management" lists table 13. Table 13 lists Chapter 2, Section U of BUECI's O&M manual. The O&M manual did not contain a section U, in Chapter 2. BUECI's Public Awareness Program must list where a statement of management support can be found.

2. **§192.616 Public Awareness**

**(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference,**

BUECI's Public Awareness Program indicates that no incidents or near-misses have occurred on their system in the past 10 years (Section 1.1). The 2010 Annual Report indicates that third party damage has occurred in 2010. BUECI must amend the Public Awareness Program to indicate that damage has occurred.

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 90 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.

It is requested (not mandated) that Barrow Utilities & Electric Cooperative, Inc. maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Dennis Hinnah, Deputy Director, Western Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 5-2011-0019M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Dennis Hinnah  
Deputy Director, Western Region  
Pipeline and Hazardous Materials Safety Administration

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

cc: PHP-60 Compliance Registry  
PHP-500 B. Flanders (#135551)