



**Sunoco Logistics**



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**VIA FACSIMILE, ELECTRONIC MAIL & FEDEX**

August 16, 2012

Mr. Byron Coy, P.E.  
Director Eastern Region  
Pipeline and Hazardous Materials Safety Administration  
820 Bear Tavern Road, Suite 103  
West Trenton, New Jersey 08628

Re: Notice of Amendment  
CPF 1-2012-5012M  
Hearing Request

Dear Mr. Coy:

Sunoco Pipeline L.P. (“Sunoco”) hereby requests a hearing under 49 C.F.R. §190.211 with respect to the above referenced Notice of Amendment (“NOA”) issued on July 16, 2012 regarding alleged deficiencies associated with Sunoco’s Maintenance Manual stemming from an October 2010 incident that occurred in New Jersey on an abandoned section of pipe being removed from a relocated right of way. Specifically, PHMSA alleges that Sunoco’s Maintenance Manual does not provide adequate guidance or supplemental procedures with respect to abandoning pipeline facilities.

***NOA Allegations of Deficiency***

PHMSA alleges in the NOA that the Maintenance Manual Procedure did not provide “specificity that would ensure personnel safely and properly abandoned a pipeline or pipeline facility.” Furthermore, PHMSA alleges that the Maintenance Manual Procedure lacks guidance or supplemental procedures.

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***Sunoco’s Procedures Provide Clear Directions on Pipeline Abandonment***

The Sunoco procedures that address 195.402.c.10 provide a clear four step process for the safe abandonment of a pipeline facility and were utilized to successfully abandon without incident the segment of pipe subject to CPF 1-2012-5013 on September 21, 2010. The steps are clear and offer no opportunity for confusion as PHMSA has alleged. PHMSA takes issue with step four which provides for the physical removal of the former pipeline facility from the ground. This step includes the phrase “if practical”. PHMSA alleges that “practical” is not further defined. Sunoco finds that there is no necessity to further define “practical” as it has a meaning that is commonly known, understood and accepted. The dictionary defines practical as “of, relating to,

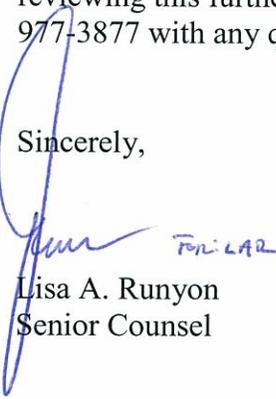
governed by, or acquired through practice or action, rather than theory, speculation, or ideals". The word practical, as used in the our procedure, clearly is used to allow each individual project to be defined based on the scope and facts of that particular project along with the expertise associated with performing pipeline abandonment projects throughout the system. Step four of the abandonment is intended to offer flexibility in whether or not to abandon in place or remove the pipeline based on the specific project and does not require further guidance or elaboration.

PHMSA is attempting in this NOA to force an amendment of Sunoco's Maintenance Manual Procedure based on the October 11, 2010 incident which as demonstrated in Sunoco's response to the NOPV is outside of the scope of PHMSA's jurisdiction and regulatory authority. Therefore any attempt to use this non-DOT event to force an amendment to Sunoco's Maintenance Manual Procedure is unnecessary and should be rescinded.

### ***Conclusion***

For all of the reasons and conclusions provided herein, the allegations of insufficiency of Sunoco's procedures as alleged in the NOA are unfounded, inconsistent with the regulations and should therefore be rescinded. Further, this NOA directly relates to the NOPV and Proposed Civil Penalty described in CPF 1-2012-5013. Sunoco has addressed this NOPV under a separate cover and believes that the facts and reasons contained therein lends additional support to our position that the basis for this NOA is unfounded, inconsistent with the regulations and should be rescinded. Please refer to the Sunoco hearing request for CPF 1-2012-5013 for full explanation of our position. Sunoco will be represented by counsel at the hearing. Sunoco looks forward to reviewing this further with the hearing officer assigned to this matter. Please contact me at 215-977-3877 with any questions or concerns.

Sincerely,



Lisa A. Runyon  
Senior Counsel

Cc: David Chalson  
Todd Stamm  
Michael Slough  
Charlie Stewart  
Kimberly Legge  
Claudia Pankowski  
Brian McTiernan