



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 14 2005

Mr. David Justin
Vice President
Sunoco Pipeline L.P.
525 Fritztown Road
Sinking Spring, PA 19608

Re: CPF No. 3-2004-5030

Dear Mr. Justin:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation and assesses a civil penalty of \$6,200 for those violations. I acknowledge your wire transfer of \$6,200 dated October 27, 2004, as payment in full of the civil penalty assessed in the Final Order. The Final Order also finds that you have completed the actions specified in the Notice required to comply with the pipeline safety regulations, and that you have addressed the inadequacies in your procedures that were cited in the Notice of Amendment. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5. This case is now closed.

Sincerely,

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

cc: Ivan Huntoon
Director, Central Region, OPS

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590

In the Matter of)
)
Sunoco Pipeline L.P.,)
)
Respondent.)
_____)

CPF No. 3-2004-5030

FINAL ORDER

On September 22, 2004, in accordance with 49 C.F.R. § 190.207, the Director, Central Region, Office of Pipeline Safety (OPS) issued to Respondent a Notice of Probable Violation, Proposed Civil Penalty, Notice of Amendment and Proposed Compliance Order (Notice). The Notice proposed finding that Respondent had committed violations of 49 C.F.R. Part 195, proposed assessing a civil penalty of \$6,200 for the alleged violations, and proposed that Respondent take certain measures to correct the alleged violations. The Notice also proposed, in accordance with 49 C.F.R. § 190.237, that Respondent amend its procedures for operations, maintenance and emergencies.

Respondent responded to the Notice by letter dated October 25, 2004 (Response). Respondent did not contest the allegations or the amount of the proposed civil penalty and submitted a wire transfer in the amount of the proposed civil penalty (\$6,200), waiving further right to respond and authorizing the entry of this Final Order.

FINDINGS OF VIOLATION

Pursuant to 49 C.F.R. § 190.209(a)(1) and 49 U.S.C. 60122, I find that Respondent violated the following sections of 49 C.F.R. Part 195 as more fully described in the Notice:

49 C.F.R. § 195.404 (Item 2) – failing to maintain up-to-date maps of its pipeline systems including all crossings of certain buried utilities and foreign pipelines;

49 C.F.R. § 195.410 (Item 3) – failing to maintain line markers displaying a telephone number where the operator can be reached at all times on a background of sharply contrasting color at the specified locations;

49 C.F.R. § 195.420 (Item 4) – failing to adequately inspect and verify proper operation of the specified main line valves.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent. Having reviewed the record and considered the assessment criteria, I assess the civil penalty of \$6,200 already paid by Respondent.

COMPLIANCE ORDER

The Notice proposed a Compliance Order with respect to Items 2 and 3 in the Notice. 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. The Regional Director has indicated that Respondent submitted an appropriate schedule for revising the company's maps to reflect all utility crossings and has completed activities bringing all of its line markers into compliance. Accordingly, since compliance has been achieved with respect to these violations, it is not necessary to include compliance terms in this Order.

AMENDMENT OF PROCEDURES

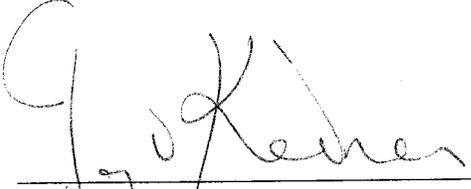
The Notice alleged inadequacies in Respondent's procedures for operations, maintenance and emergencies and proposed to require amendment of Respondent's procedures to comply with the requirements of 49 C.F.R. Part 195. Specifically, the Notice alleged that Respondent's procedures for public education were inadequate to enable the public in the vicinity of the pipeline to recognize a hazardous liquid pipeline emergency and report it to the operator or to police, fire, or other appropriate public officials.

In its response, Respondent submitted copies of its amended procedures, which the Director, Central Region, OPS reviewed. Based on the results of this review, I find that Respondent's original procedures as described in the Notice were inadequate to ensure safe operation of its pipeline system, but that Respondent has corrected the identified inadequacies. Accordingly, it is not necessary to issue an Order directing Respondent to amend its procedures.

WARNING ITEM

The Notice did not propose a civil penalty or corrective action for Item 5 in the Notice, failure to adequately establish a continuing education program ensuring that stakeholders who may be involved in or affected by excavation activities are notified about its damage prevention program in accordance with § 195.440. Therefore, this is considered to be a warning item. Respondent presented information its response showing that it has initiated actions addressing the item, including upgrading its mailing lists of stakeholders receiving public awareness materials to ensure their accuracy and completeness. Respondent is again warned that if OPS finds a violation for any of these items in a subsequent inspection, enforcement action will be taken.

The terms and conditions of this Final Order are effective on receipt.

for


 Stacey Gerard
 Associate Administrator
 for Pipeline Safety

OCT 14 2005

 Date Issued