

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 5, 2012

Mr. Richard Adams
Vice President, U.S. Operations
Enbridge Energy, Limited Partnership
City Center Office
1409 Hammond Avenue
Superior, Wisconsin 54880-5247

CPF 3-2012-5014M

Dear Mr. Adams:

On July 19-21, 2011; representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Enbridge Energy, Limited Partnership's (Enbridge's) procedures for Public Awareness Program Effectiveness in Houston, Texas.

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

1. § 195.440 Public awareness

(a) 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, *see* §195.3).

Enbridge's procedures are inadequate because its Public Awareness Program does not include a process for identification of the buffer zone for the affected public audience and does not include one call centers in its excavator audience.

2. § 195.440 Public awareness

(b) The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities.

Enbridge's procedures are inadequate because its Public Awareness Program does not include all unique attributes and characteristics in its affected public brochure.

3. § 195.440 Public awareness

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

A) Enbridge's procedures are inadequate because its Public Awareness Program does not include a process to clearly define the corridor in section 8.6 for high consequence area's and does not include a process to determine when supplemental activities should be considered for each stakeholder audience.

B) Enbridge's procedures are inadequate because its Public Awareness Program does not include an annual implementation review process that clearly identifies both supplemental and overall implementation according to section 10.1 and that provides guidance to field personnel for input into the implementation review to ensure consistency. In addition, the procedures do not include methodology for documenting the changes identified and tracking there implementation.

C) Enbridge's procedures are inadequate because its Public Awareness Program does not include a process for revising its stakeholder audience baseline brochures or guidance on when to conduct focus group testing and on what level of testing is necessary.

4. § 195.440 Public awareness

(d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:

(3) Physical indications that such a release may have occurred;

- (4) Steps that should be taken for public safety in the event of a gas pipeline release; and**
- (5) Procedures to report such an event.**

A) Enbridge's procedures are inadequate because its Public Awareness Program does not include leak recognition and response in the school baseline message and the affected public brochure identifies pipeline markers but then refers to right-of-way markers for recognizing the pipeline's location.

B) Enbridge's procedures are inadequate because its Public Awareness Program does not provide consistent pipeline identification information; i.e., the Mississippi DuFour Pipeline emergency call center, pipeline markers, and mailers are not identified in a consistent manner.

C) Enbridge's procedures are inadequate because its Public Awareness Program does not provide adequate education in its affected public brochure; the information numbers are more prominently displayed than the emergency contact numbers.

5. § 195.440 Public awareness

- (g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.**

Enbridge's procedures are inadequate because its Public Awareness Program does not include the process used to guide identification of how and when other languages are necessary.

6. § 195.440 Public awareness.

- (i) The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.**

A) Enbridge's procedures are inadequate because its Public Awareness Program does not detail the information being reviewed and analyzed for the effectiveness evaluation review and does not contain an adequate process for measuring program outreach by individual stakeholder audience, measuring percentage of stakeholders reached by individual stakeholder audience, measuring understandability of message content by individual stakeholder audience, measuring desired stakeholder behavior by individual stakeholder audience and measuring bottom-line results.

B) Enbridge's procedures are inadequate because its Public Awareness Program does not have a defined process that identifies changes, tracks changes and tracks progress in making changes based on the findings from the effectiveness evaluation.

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.

In correspondence concerning this matter, please refer to **CPF 3-2012-5014M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Since the Public Awareness Program Inspection, Enbridge has submitted revised procedures to resolve the inspection issues. PHMSA Central Region personnel have reviewed the revised procedures and determined that the revisions satisfy the deficiencies identified in all of the above items. Therefore, no further action is required and this enforcement action is considered closed.

Sincerely,

David Barrett
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

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