



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 South Gessner, Suite 1110
Houston, TX 77074

**NOTICE OF PROBABLE VIOLATION
and
PROPOSED CIVIL PENALTY**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 19, 2007

Mr. Steve Broker
Vice President, Western Pipeline System
Sunoco Pipeline, L.P.
One Fluor Daniel Drive, Building A
Sugar Land, TX 77487-5095

CPF 4-2007-5041

Dear Mr. Broker:

On January 9, 2007, pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. §§ 190.213, the Associate Administrator for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA), issued a Final Order to Sunoco Pipeline, L.P. (Sunoco). The Final Order (CPF 4-2006-5005) found that Sunoco committed violations of the pipeline safety regulations, 49 C.F.R. §§ 195.118(c) and 195.404(a)(3), and ordered Sunoco to take measures to comply with those regulations. Specifically, the Final Order required Sunoco to perform the following items:

1. Review each meter facility fitting to determine if it is suitable for its intended service and is at least as strong as the pipe and other components of the pipeline facility to which it is attached. Perform corrective action necessary to ensure that each fitting complies with 49 C.F.R. § 195.118(c). Demonstrate compliance by documenting that each fitting is suitable for its intended service and is at least as strong as the pipe and other components of the pipeline facility to which it is attached and that MOP does not exceed the design pressure of each fitting.

2. Review each meter facility system map, drawing, and record to determine if it is current and includes the correct MOP of each pipeline. Perform corrective action necessary to ensure that each meter facility system map, drawing, and record complies with 49 C.F.R. § 195.404(a)(3). Demonstrate compliance by documenting that each meter facility system map, drawing, and record is current and includes the correct MOP of each pipeline.

3. Complete Items 1 and 2 and submit documentation of completion to the Director, Southwest Region, within 30 days of receipt of this Final Order.

As a result of a review of this matter, it appears that Sunoco has committed probable violations of the above-referenced Final Order. Specifically, Sunoco has failed to comply with Items 1 through 3 of the Final Order. Sunoco received the Final Order on January 17, 2007, and the deadline for completion of Items 1 through 3 was February 16, 2007. Sunoco has failed to submit documentation of compliance to the Director within the time period specified and has not received an extension of time to comply.

Proposed Civil Penalty

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. The Compliance Officer has reviewed the circumstances and supporting documentation involved in the above probable violation(s) and has recommended that you be preliminarily assessed a civil penalty of \$200,000.00 as follows:

<u>Item number</u>	<u>PENALTY</u>
1.	\$100,000
2.	\$100,000

Response to this Notice

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 your correspondence on this matter, please refer to **CPF 4-2007-5041** and for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Seeley". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

R. M. Seeley
Director, Southwest Region
Pipeline and Hazardous
Materials Safety Administration

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