U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

1 1-9-09

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 8, 2009

Ms. Martha Brock
EH&S Manager
Breitburn Energy Corporation L.P.
515 South Flower St., Suite 4800
Los Angeles, CA 90071

CPF 5-2009-0007M

Dear Ms. Brock:

On June 18-19, 2008, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected Breitburn Energy Corporation's Operations and Maintenance procedures for the West Pico gas gathering pipeline in Los Angeles, California.

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

1. **§192.225 Welding Procedures**

(a) Welding must be performed by a qualified welder in accordance with welding procedures qualified under section 5 of API 1104 (ibr, see §192.7) or section IX of the ASME Boiler and Pressure Vessel Code " Welding and Brazing Qualifications" (ibr, see §192.7) to produce welds meeting the requirements of this subpart. The quality of the test welds used to qualify welding procedures shall be determined by destructive testing in accordance with the applicable welding standard(s).

Breitburn is not specific in its Operations and Maintenance (O&M) manuals regarding what section and edition of API 1104 is required to qualify its "Welding Procedures." Breitburn in its Procedural Manuals refers to applicable section of API 1104 and references to "CFR 49 Part 192 Referenced Edition."

2. **§192.227 Qualification of welders**

(a) Except as provided in paragraph (b) of this section, each welder must be qualified in accordance with section 6 of API 1104 (ibr, see §192.7) or section IX of the ASME Boiler and Pressure Vessel Code (ibr, see §192.7). However, a welder qualified under an earlier edition than listed in appendix A of this part may weld but may not requalify under that earlier edition.

Breitburn is not specific in its O&M manuals regarding what section and edition of API 1104 is required to qualify its "Welder". Breitburn in its O&M Manuals requires its welders to be qualified "in conformance with 49 CFR Part 192, the latest DOT-approved edition of API 1104" and references to "CFR 49 Part 192 Referenced Edition."

3. **§192.241 Inspection and test of welds**

(c) The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in Section 9 of API Standard 1104 (ibr, see §192.7). However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if Appendix A to API 1104 applies to the weld, the acceptability of the weld may be further determined under that appendix.

Breitburn is not specific in its O&M manuals regarding what section and edition of API 1104 is required for acceptability of a weld. Breitburn in its Operations and Maintenance Manuals requires its "Weld Acceptability" to conform with 49 CFR Part 192.

4. **§192.616 Public education**

(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.

Breitburn did not follow the public education recommendations of API RP 1162. Specifically, Breitburn did not specify a frequency for recommended message deliveries to the target audiences listed in §192.616(d) and §192.616(f).

5. **§ 192.619 Maximum allowable operating pressure: Steel or plastic pipelines.**

a) Except as provided in paragraph (c) of this section, no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

(1) The design pressure of the weakest element in the segment, determined in accordance with subparts C and D of this part. However, for steel pipe in pipelines being converted under §192.14 or uprated under subpart K of this part, if any variable necessary to determine the design pressure under the design formula (§192.105) is unknown, one of the following pressures is to be used as design pressure:

(i) Eighty percent of the first test pressure that produces yield under section N5 of Appendix N of ASME B31.8 (incorporated by reference, see §192.7), reduced by the appropriate factor in paragraph (a)(2)(ii) of this section; or

(ii) If the pipe is 12 3/4inches (324 mm) or less in outside diameter and is not tested to yield under this paragraph, 200 p.s.i. (1379 kPa).

(2) The pressure obtained by dividing the pressure to which the segment was tested after construction as follows:

(i) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5.

(ii) For steel pipe operated at 100 p.s.i. (689 kPa) gage or more, the test pressure is divided by a factor determined in accordance with the following table:

Class location	Factors1, segment—		
	Installed before (Nov. 12, 1970)	Installed after (Nov. 11, 1970)	Converted under §192.14
1	1.1	1.1	1.25
2	1.25	1.25	1.25
3	1.4	1.5	1.5
4	1.4	1.5	1.5

Breitburn has specified in its O&M Manual that the MAOP of its pipeline is 396 psi based on a 2004 hydrotest where the pipeline was tested to 495 psi. The line is located in a Class 4 location and built after November 11, 1970. Therefore, the MAOP can not be more than 330 psi per § 192.619(a)(2)(ii). Brietburn's operating procedures currently do not reflect a maximum allowable operating pressure consistent with the requirements of §192.619.

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 60 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.

In correspondence concerning this matter, please refer to **CPF 5-2009-0007M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Chris Hoidal
Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 H. Monfared (#120785)

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