

APR 12 2011

Mr. Dan J. Rea
Vice President, Midstream
Anadarko Petroleum Corporation
1201 Lake Robbins Drive
The Woodlands, Texas 77380

Re: CPF No. 5-2009-5007

Dear Mr. Rea:

Enclosed please find the Decision on Reconsideration issued in the above-referenced case. It grants your Petition for Reconsideration. Service of the Decision by certified mail is deemed effective upon the date of mailing, or as otherwise provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. Chris Hoidal, Director, Western Region, PHMSA

CERTIFIED MAIL – RETURN RECEIPT REQUESTED [7005 1160 0001 0041 3658]

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of)	
)	
Anadarko Petroleum Corporation,)	CPF No. 5-2009-5007
)	
Petitioner.)	
)	

DECISION ON RECONSIDERATION

In an April 2, 2010 Final Order, I found that Anadarko Petroleum Corporation (Anadarko or Petitioner) violated 49 C.F.R. § 195.452(f)(1) by improperly reducing the total mileage of segments in its Wamsutter crude oil pipeline system that could affect a high consequence area (HCA). By letter dated April 15, 2010, Anadarko filed a timely Petition for Reconsideration (Petition) of that Final Order with the Western Region, Office of Pipeline Safety, PHMSA.

Petitioner asks that I reconsider the finding in the Final Order that it failed to submit a timely written response to the February 19, 2009 Notice of Probable Violation and Proposed Compliance Order (Notice) in this case. In support of that request, Anadarko notes that it first responded to the Notice in a March 16, 2009 letter to the Western Region, PHMSA.

The Pipeline Safety Regulations permit the filing of a petition for reconsideration of a final order. It is not a right of appeal or to seek a de novo review of the record.¹ Rather, reconsideration is an opportunity to present the agency with previously unavailable information and, if appropriate, to request that any errors in the final order be corrected. That is why the Associate Administrator does not consider repetitious information or arguments on reconsideration. It is also why a petitioner must provide a valid reason for consideration of facts or arguments that were not raised on its behalf in a timely manner.

To be timely, a respondent must submit a written response “within 30 days of receipt of a notice of probable violation.”² Petitioner’s March 16, 2009 letter to the Western Region met that requirement in all respects.³ Accordingly, I am withdrawing the finding in the Final Order that Anadarko failed to submit a timely written response in this case.

¹ 49 C.F.R. § 190.215(a)-(e).

² 49 C.F.R. § 190.209.

³ Due to a clerical error, this letter was not included in the case file until after the issuance of the Final Order.

As Anadarko did not contest the allegation of probable violation in that response or request any further relief in its Petition, I am affirming the remainder of the Final Order without modification.

RELIEF GRANTED

Based on the information provided in the Petition, a review of the relevant portions of the record, and for the reasons stated above, I am withdrawing the finding in the Final Order that Anadarko failed to submit a timely written response in this case. The remainder of the Final Order is affirmed without modification.

This Decision is the final administrative action in this proceeding.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued