

DEC 13 2010

Mr. Brian Coffman
President
ConocoPhillips Pipe Line Company
Room TA 02-2010
600 North Dairy Ashford Road
Houston, TX 77079

Re: CPF No. 5-2010-5002

Dear Mr. Coffman:

Enclosed please find the Final Order issued in the above-referenced case. It withdraws the allegation of violation and the proposed compliance order. This enforcement action is now closed. Service of the Final Order 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

Mr. Todd Tullio
Manager, Regulatory Compliance
ConocoPhillips Pipe Line Company
Room TN-5022
600 North Dairy Ashford Road
Houston, TX 77079

CERTIFIED MAIL - RETURN RECEIPT REQUESTED [7005 1160 0001 0041 0824]

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

)	
In the Matter of)	
)	
ConocoPhillips Pipe Line Company,)	CPF No. 5-2010-5002
)	
Respondent.)	
)	

FINAL ORDER

On June 15-19, 2009, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities of ConocoPhillips Pipe Line Company (ConocoPhillips or Respondent). Specifically, the inspection involved the Pioneer Pipeline System in Utah and Wyoming.

As a result of the inspection, the Director, Western Region, OPS (Director), issued to Respondent, by letter dated February 12, 2010, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that ConocoPhillips had violated 49 C.F.R. § 195.577(a). The Notice also proposed finding that Respondent had committed another probable violation of 49 C.F.R. Part 195 and warning Respondent to take appropriate corrective action or be subject to future enforcement action.

ConocoPhillips responded to the Notice by letter dated March 11, 2010 (Response). The company contested the allegation and offered additional information in response to the Notice. Respondent did not request a hearing and therefore has waived its right to one.

FINDING OF VIOLATION

Item 2: The Notice alleged that Respondent violated 49 C.F.R. § 195.577(a), which states in relevant part:

§ 195.577 – What must I do to alleviate interference currents?

(a) For pipelines exposed to stray currents, you must have a program to identify, test for, and minimize the detrimental effects of such currents.

The Notice alleged that ConocoPhillips violated § 195.577(a) by failing to have a program to identify, test for, and minimize the detrimental effects of stray currents. Specifically, the Notice alleged that, during the inspection, the company did not provide interference testing records or polarized potential, close internal survey readings in an area that was likely exposed to stray currents.

In its Response, ConocoPhillips objected to the allegation and provided evidence demonstrating that it had in fact met the requirements of § 195.577(a). Specifically, the company submitted records indicating that, since 2002, it has used a critical bond to alleviate interference currents in the area of concern.

Accordingly, after considering all of the evidence, I find that Respondent did not violate § 195.577(a) as alleged in the Notice. Based upon the foregoing, I hereby order that Item 2 be withdrawn. Because this Item is being withdrawn, the corresponding terms of the proposed compliance order are not included in this Order.

Please be advised that operators must provide PHMSA inspectors with required records at the time of inspection, and failure to do so could be a violation of § 195.589(c) that could result in a separate allegation of violation and appropriate sanction.¹

WARNING ITEM

With respect to Item 1, the Notice alleged a probable violation of Part 195 but did not propose a civil penalty or compliance order for this item. Therefore, this is considered to be a warning item. The warning was for:

49 C.F.R. § 195.567 (**Item 1**) — Respondent's alleged failure to maintain the test lead wires in a condition that enabled the operator to obtain electrical measurements to determine whether cathodic protection complied with § 195.571.

Accordingly, I find, pursuant to 49 C.F.R. § 190.205, that a probable violation of 49 C.F.R. § 195.567 (Notice Item 1) has occurred, and Respondent is hereby advised to correct such conditions. In the event that OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this Final Order are effective upon service in accordance with 49 C.F.R. § 190.5.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued

¹ See § 190.203(a).