

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 25, 2011

Mr. Kent Grinage
Director of Public Works
North Slope Borough
P.O. Box 1120
Barrow, Alaska 99723

CPF 5-2011-0018W

Dear Mr. Grinage:

On October 5, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected your Public Awareness Program (PAP) in Barrow, Alaska.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

- 1. §192.616 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.

North Slope Borough's (NSB) Nuiqsut PAP did not communicate in Inupiat, the native language of the people of Nuiqsut. The operator did agree to KBRW radio announcements to inform Barrow and Nuiqsut residence of pipeline awareness.

2. §192.616 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:

The operator had not sent out information in the past as required, but they did indicate that both Barrow Transmission and Nuiqsut would send out information and conduct meetings to meet this requirement before the end of 2011.

3. §192.616 Public Awareness

(e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.

The operator agrees to meet with schools and churches along the right of way in Barrow and Nuiqsut in 2011.

4. §192.616 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) The operator did not send out information at the frequency required by API 1162 tables 2.1-2.2 in the past, but relied on Barrow Utilities and Electric Cooperative Inc. Distribution's mailings to inform the stakeholders. The operator will complete their first delivery before the end of 2011 for both Barrow and Nuiqsut.
- b) The operator meets with emergency response officials annually, but has not documented these meetings. The operator indicated that they would meet with emergency response officials before the end of the year and document that meeting.
- c) The operator in the past did not complete annual audits. The operator will conduct and document the 2011 annual audit.

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. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the items identified in this letter. Failure to do so will result in the North Slope Borough being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 5-2011-0018W**. 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).

Sincerely,

Dennis Hinnah
Deputy Director, Western Region
Pipeline and Hazardous Materials Safety Administration

cc: PHP-60 Compliance Registry
PHP-500 B. Flanders (#135837)