

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY**

In the Matter of

CITGO Petroleum Corporation,

Respondent.

)
)
)
)
)
)
)

CPF No. 1-2024-035-NOPV

**REQUEST FOR INFORMAL CONFERENCE AND HEARING, PRELIMINARY
STATEMENT OF ISSUES AND REQUEST FOR DOCUMENTS**

I. Request for Informal Conference

Pursuant to 49 U.S.C. § 60117(b)(1)(B)(i)-(ii), CITGO Petroleum Corporation (CITGO) respectfully requests an informal conference to discuss the allegations, proposed civil penalty, and proposed compliance order in the above-referenced Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (NOPV). CITGO is hopeful that through further discussion these allegations can be resolved without a hearing.

II. Request for Hearing

Pursuant to 49 C.F.R. §§ 190.208(a)(4), 190.208(b)(4), and 190.211(b), CITGO respectfully requests an in-person hearing at PHMSA's Eastern Region office to discuss the alleged violations, proposed civil penalty, and proposed compliance order. If a hearing is held, CITGO will be represented by counsel at the hearing.

III. Preliminary Statement of Issues

CITGO respectfully contests the allegations, proposed civil penalty and proposed

compliance order included in the NOPV. At the hearing, CITGO intends to raise the following issues:

Item 1 – 49 C.F.R. § 195.310(a)

- A. Whether the allegation of violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the proposed compliance order is appropriate and should be withdrawn.

Item 3 – 49 C.F.R. § 195.402(a)

- A. Whether the allegation of violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a violation occurred.
- C. Whether the allegation of violation is duplicative of other allegations issued to CITGO and should be withdrawn.
- D. Whether the proposed civil penalty is appropriate or should be withdrawn or reduced.

Item 4 – 49 C.F.R. § 195.402(a)

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation has occurred.
- C. Whether the allegation of probable violation is duplicative of other allegations issued to CITGO and should be withdrawn.

Item 5 – 49 C.F.R. § 195.402(c)(13)

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation has occurred.
- C. Whether the allegation of probable violation is duplicative of other allegations issued to CITGO and should be withdrawn.

Item 6 – 49 C.F.R. § 195.403(c)

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation has occurred.

Item 7 – 49 C.F.R. § 195.406(a)

- A. Whether the allegation of violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a violation occurred.
- C. Whether the proposed compliance order is appropriate and should be withdrawn.

Item 9 – 49 C.F.R. § 195.446(c)(3)

- A. Whether the allegation of probable violation is supported by the facts and the evidence.
- B. Whether PHMSA has met its burden of proof that a probable violation occurred.
- C. Whether the allegation of probable violation is duplicative of other allegations issued to CITGO and should be withdrawn.

CITGO reserves the right to supplement this preliminary statement of issues in response to any additional information or arguments from PHMSA.

IV. Request for Documents

Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3), and (c)(7) and in order to ensure a full and fair hearing, CITGO respectfully requests that PHMSA provide a copy of the following documents:

1. The excel spreadsheet that supports the Civil Penalty Worksheet issued in this case.
2. Any notes, documents, or electronic records pertaining to the inspection that occurred in this case.

3. Any and all notes, memoranda, guidance or other materials supporting PHMSA's position that records supporting an MOP determination under § 195.406 must be "traceable, verifiable and complete."
4. Any and all manuals, guidance, training materials and other materials that PHMSA uses to train agency personnel on the proper implementation of the MOP regulations and related Part 195 regulations, including §§ 195.106, 195.404, 195.406 and Part 195, subpart E. Such materials include but are not limited to materials used by PHMSA's Inspector Training and Qualification Division (TQ) when training inspection personnel.

These materials are "pertinent to the matters of fact and law" asserted and must therefore be provided pursuant to 49 U.S.C. § 60117(b)(1)(C).

Respectfully submitted this 22nd day of November 2024.



Brianne K. Kurdock
Jim Curry
Babst Calland
505 9th Street, N.W.
Suite 602
Washington, DC 20004
(202) 853-3462
bkurdock@babstcalland.com
Counsel for CITGO Petroleum Corporation



Ann Al-Bahish
Senior Corporate Counsel – HSE
CITGO Petroleum Corporation
1289 Eldridge Parkway
Houston, Texas 77077
(832) 486-4741
AALBAHI@citgo.com