



Hilcorp North Slope, LLC

3800 Centerpoint Drive
Anchorage, AK 99503
Office: 907-777-8700

November 4, 2022

Via E-mail to Dustin.Hubbard@dot.gov

Dustin Hubbard
Director, Western Region
Pipeline and Hazardous Materials Safety Administration
12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

**RE: CPF No. 5-2022-006-NOPV
Hilcorp North Slope, LLC
Request for Informal Conference
Request for a Hearing and Preliminary Statement of Issues
Request for Documents**

Dear Mr. Hubbard,

Thank you for your October 5, 2022, letter granting Hilcorp North Slope, LLC (Hilcorp) additional time to respond to the above-referenced Notice of Probable Violation and Proposed Compliance Order (NOPV) that the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued on September 7, 2022. As described in the attached, Hilcorp respectfully requests an informal conference to attempt to resolve the last outstanding issue, Item 1 of CPF No. 5-2022-006-NOPV.

In order to preserve its rights, Hilcorp also submits the attached Request for Hearing, Preliminary Statement of Issues and Request for Documents. Hilcorp hopes that that hearing will be unnecessary, and that the parties can resolve this matter informally.

We will reach out to you by phone regarding scheduling an informal conference. In the meantime, please contact me if you have any questions.

Sincerely,
Hilcorp North Slope, LLC

A handwritten signature in black ink, appearing to read 'C Monnin'.

Cindy Monnin, PE
Director of Integrity, Alaska

Attachment: CPF No. 5-2022-NOPV, Request for Informal Conference, Request for Hearing, Preliminary Statement of Issues, and Request for Documents

Cc: Gabrielle St. Pierre, PE (PHMSA)
Michael Yeager (PHMSA)
Joseph Hainline (PHMSA)
Ben Wasson, PE (Hilcorp)

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

**In the Matter of
Hilcorp North Slope, LLC,

Respondent.**

)
)
) **CPF No. 5-2022-006-NOPV**
)
)
)

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

I. Request for Informal Conference

Pursuant to 49 U.S.C. § 60117(b)(1)(B), Hilcorp North Slope, LLC (Hilcorp) respectfully requests an informal conference to discuss the allegations in the above-referenced Notice of Probable Violation and Proposed Compliance Order (NOPV). Hilcorp is hopeful that through further discussion of the relevant facts and circumstances 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), Hilcorp respectfully requests an in-person hearing at PHMSA's Anchorage, Alaska office to discuss the alleged violations and proposed compliance orders in the NOPV. If a hearing is held, Hilcorp will be represented by counsel at the hearing.

III. Preliminary Statement of Issues

Hilcorp respectfully contests the allegations of violation and proposed compliance orders in the NOPV. At the hearing, Hilcorp intends to raise the following issues:

Item 1 – 49 C.F.R. § 195.208 (Welding of Supports and Braces)

- A. Whether the welded supports on the Lisburne Pipeline, which are all located at or within a module at the origin of the pipeline, present a current safety or integrity concern.
- B. Whether removal of the welded supports would be consistent with the original design of the module at which these supports are located, and, if removed, could create an integrity or safety concern absent efforts to re-engineer the pipeline.
- C. Whether, based on the allegation in the Notice and evidence in the record, PHMSA met its burden of demonstrating that Hilcorp committed a violation of 49 C.F.R. § 195.208.
- D. Whether the allegation is time-barred under the general federal civil statute of limitations at 28 U.S.C. § 2462.
- E. Whether construction of the Lisburne Pipeline, and associated welded supports at issue, began prior to October 21, 1985, and is therefore not subject to the Part 195 design and construction requirements, in light of the applicability timing provision of 49 C.F.R. § 195.401(c)(3) for intrastate pipelines.
- F. Whether the Lisburne Pipeline was, at the time of construction, reasonably considered a low-stress pipeline under 49 C.F.R. §§ 195.1 and 195.401(c)(5), and was not therefore subject to 49 C.F.R. § 195.208.
- G. Whether PHMSA and the prior operator determined and explicitly agreed years ago that the Lisburne Pipeline was a low stress pipeline, in the context of a judicially approved consent decree filed in the U.S. District Court for the District of Alaska, U.S. v. BP Exploration (Alaska), Inc., Consent Decree at 9, Civil No. 3:09-cv-00064-JWS (D. Alaska. Filed July 13, 2011), and is therefore collaterally estopped from taking a contrary position, years later, for the purpose of this allegation.
- H. Whether the proposed compliance order is appropriate and should be withdrawn.

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

IV. Request for Agency Records

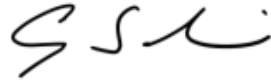
Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3), and (c)(7), 49 U.S.C. § 60117(b)(1)(C), and the affirmative disclosure requirements of 5 U.S.C. § 552(a)(2)(C), Hilcorp respectfully requests that PHMSA include in the case file all agency records pertinent to the matters of fact and law

asserted in the NOPV.

Hilcorp respectfully requests that PHMSA release these agency records at the earliest possible date, but not less than 10 days prior to the hearing, so that Hilcorp has a full “opportunity to offer facts, statements, explanations, documents, testimony or other evidence that is relevant and material to the issues under consideration[,]” and to fully and fairly “examine the evidence and witnesses presented by the other party” at the hearing, in accordance with 49 C.F.R. § 190.211(d)-(e). Hilcorp reserves the right to request that the Presiding Official compel the production of agency records pursuant to the authority provided in 49 C.F.R. § 190.212(c)(2), (c)(3) and (c)(7).

Respectfully submitted this 4th day of
November 2022.

Hilcorp North Slope, LLC

A handwritten signature in black ink, appearing to read 'C. Monnin', is written over the printed name.

Cindy Monnin, PE

Director of Integrity, Alaska