NOTICE OF AMENDMENT

SENT VIA UPS NEXT DAY AIR

July 6, 2012

Mr. Richard Adams
Vice President, U.S. Operations
Enbridge Energy, Limited Partnership
City Center Office
1409 Hammond, Avenue
Superior, WI 54880-5247

CPF 3-2012-5015M

Dear Mr. Adams:

During the weeks of December 12th, 2011 and January 9th, 2012, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Enbridge Energy, L.P. (Enbridge) program and procedures for Control Room Management (CRM) in Edmonton, AB, Canada.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Enbridge's plans or procedures, as described below:

1. §195.446 Control room management.

(a) *General.* This section applies to each operator of a pipeline facility with a controller working in a control room who monitors and controls all or part of a pipeline facility through a SCADA system. Each operator must have and follow written control room management procedures that implement the requirements of this section. The procedures required by this section must be integrated, as appropriate, with the operator's written procedures required by § 195.402. An

operator must develop the procedures no later than August 1, 2011 and implement the procedures according to the following schedule. The procedures required by paragraphs (b), (c)(5), (d)(2) and (d)(3), (f) and (g) of this section must be implemented no later than October 1, 2011. The procedures required by paragraphs (c)(1) through (4), (d)(1), (d)(4), and (e) must be implemented no later than August 1, 2012. The training procedures required by paragraph (h) must be implemented no later than August 1, 2012 except that any training required by another paragraph of this section must be implemented no later than the deadline for that paragraph.

a. Enbridge indicated to PHMSA that multiple control rooms with different CRM plans will be required in order to address all of the Enbridge US based hazardous liquid and natural gas pipeline assets. While the CRM plan reviewed by PHMSA did have 49CFR192 references in several locations, Enbridge indicated that this CRM plan was not developed with the intent to cover the 49CFR192 regulated assets.

b. At the time of the inspection, Enbridge had not developed a documented process to review US assets, including spur lines or laterals and new assets currently in construction, to determine control room locations and the specific control room written procedures to be used. A complete and formal process identifying control locations, specific assets, and applicable written control room management procedures is necessary. At the time of this inspection, the plan reviewed by PHMSA (specific to the Enbridge Edmonton, AB, Canada Liquid operations only) did not have established version control or date applicability. Therefore, the current status of the plan, the implementation dates of various sections, or the progression of plan changes was indeterminable.

2. §195.446 Control room management.

(b) Roles and responsibilities. **Each operator must define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. To provide for a controller's prompt and appropriate response to operating conditions, an operator must define each of the following:**

(1) A controller's authority and responsibility to make decisions and take actions during normal operations;

a. The Enbridge CRM plan did not clearly define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. Controllers in the Edmonton AB Canada control room can monitor and/or control pipeline systems for which they are not qualified. Without details regarding the specific environment for which Controllers can monitor and control operations, it was difficult for Enbridge to demonstrate that the controllers are operating only those systems for which they have completed qualification or cross-training requirements. A qualified Controller should be assigned the responsibility for the monitoring and control operations of a pipeline system.

b. The Enbridge CRM plan reviewed did not clearly define or articulate the specific differences between the Controller regarding responsibilities or authority for making decisions and taking actions during normal operations and that of the Technical Advisors and Shift Leads. Technical Advisors and Shift Leads roles and responsibilities were still in development at the time of the inspection. Technical Advisors, as communicated to PHMSA, were to be positions that are technical in nature, qualified as controllers, and be capable of providing technical guidance to controllers. These individuals would be able to perform monitoring and controlling activities on various assets. As communicated to PHMSA during the inspection, Shift Leads were not intended to be current qualified controllers. However, the Shift Leads perform multiple functions within the control room including administrative functions for controllers, notifications of police and emergency response personnel in certain conditions, and have access to the operations and leak detection displays. Enbridge procedures were not well defined regarding the roles, responsibilities, and authority of the Controller, Technical Advisor, and Shift Lead.

3. §195.446 Control room management.

(b) Roles and responsibilities. **Each operator must define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. To provide for a controller's prompt and appropriate response to operating conditions, an operator must define each of the following:**

(2) A controller's role when an abnormal operating condition is detected, even if the controller is not the first to detect the condition, including the controller's responsibility to take specific actions and to communicate with others;

(3) A controller's role during an emergency, even if the controller is not the first to detect the emergency, including the controller's responsibility to take specific actions and to communicate with others; and

a. Controllers must be capable of promptly detecting abnormal and emergency conditions on each pipeline system for which they are assigned the responsibility of operation. Abnormal operating condition recognition and specific system emergency response requirements are not the same per pipeline system. The difference in abnormal operating condition detection and emergency actions required between pipeline systems is not clearly identified in the plan. Since each controller is not limited to only responding to those systems for which they are qualified, clear procedures articulating these specific differences per pipeline system is necessary.

b. Similar to item 2b above, the different actions required for that of the Controller, Technical Advisor, and Shift Lead during the development of an abnormal operating or emergency condition in the Edmonton AB Canada control room is not clear.

c. The Enbridge plan did not adequately provide for response to an emergency regarding 911 notifications when a leak is detected or notification of a leak received.

d. The Enbridge plan did not sufficiently address the transfer of operations from the Edmonton, AB, Canada control room to field operations staff when an emergency requires the prompt evacuation of the control room. Certain conditions, such as the discovery of a gas presence in the control room, may require prompt evacuation of the controllers. As a result, contact with field crews and personnel may not be completed before evacuations are required. This should be accounted for through clarification in emergency roles and responsibilities for the Controllers, Technical Advisors, and Shift Leads.

4. §195.446 Control room management

(b) Roles and responsibilities. **Each operator must define the roles and responsibilities of a controller during normal, abnormal, and emergency operating conditions. To provide for a controller's prompt and appropriate response to operating conditions, an operator must define each of the following:**

(4) A method of recording controller shift-changes and any hand-over of responsibility between controllers.

a. The shift exchange portion of the Enbridge plan should be amended to include provisions addressing who is responsible (Controller, Technical Advisor, Shift Lead) for turning operations over to an individual that is “fit for duty”. The shift exchange process should not allow a hand-over of responsibility to an on-coming controller that is not “fit for duty”.

b. The shift exchange procedures did not include a provision to account for those in controller training under the direct supervision of a qualified controller being identified in any record keeping. The person in training to be a controller should be identified on the shift exchange records. When possible, controller trainees should participate in the communication of information during the shift exchange.

c. The shift exchange process should be revised to define critical maneuvers during which shift exchanges should be prohibited or minimized.

5. §195.446 Control room management.

(c) Provide adequate information. **Each operator must provide its controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:**

At the time of the inspection, Enbridge's control room displays did not provide adequate information to the controller regarding information status. When a point was off scan and information was not being updated regularly, the specific point did not always reflect this status through a color change, blinking feature or some type of alarm indication. A point that is not being scanned should display for the controller differently than a point that is currently being updated. Controller specific roles and responsibilities require current information in order to promptly react to emergency or abnormal operating conditions. Enbridge should implement a documented process by which points that can impact the roles and responsibilities of the controller are reviewed and current information regarding point status is provided to the controller as necessary.

6. §195.446 Control room management.

(c) Provide adequate information. **Each operator must provide its controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:**

(1) Implement API RP 1165 (incorporated by reference, see § 195.3) whenever a SCADA system is added, expanded or replaced, unless the operator demonstrates that certain provisions of API RP 1165 are not practical for the SCADA system used;

a. The Enbridge plan did not adequately define when "addition, expansion or replacement" activities would require API RP1165 implementation. The plan should be further developed to include definition of "addition, expansion or replacement" terms as applicable to the Enbridge SCADA system.

b. The Enbridge existing SCADA screen displays did not consistently use color as an attribute to provide information to the controller. Should the Edmonton, AB, Canada SCADA system be expanded or replaced or another SCADA system added, then RP1165 requirements should be implemented.

c. Enbridge controllers are qualified to operate multiple consoles. Enbridge had not confirmed that consistency existed between various console displays. When controllers are qualified to operate multiple consoles, inconsistency between console activities can lead to inadequate information. Enbridge should modify the existing control room plan to include cross-training considerations regarding information presentation and associated activities. This should include at a minimum but not be limited to; the use of color, symbols, and display features such as emergency shut-down (ESD) applications.

d. Enbridge's control room displays do not identify valve position when maintenance or the field location and associated personnel have control. Also the control room displays are not consistent regarding lock out/tag out display features between pumps and valves. Enbridge should modify the existing plan to address these inadequacies.

e. As previously described in Item 5 above, the control room displays did not provide characteristics that identify to a controller whether or not a point is inhibited or off scan.

7. §195.446 Control room management.

(c) Provide adequate information. **Each operator must provide its controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:**

(2) Conduct a point-to-point verification between SCADA displays and related field equipment when field equipment is added or moved and when other changes that affect pipeline safety are made to field equipment or SCADA displays;

a. Enbridge's plan did not adequately define safety related points nor sufficiently identify when field equipment additions, movements, or changes could impact pipeline safety. These definitions are necessary to identify when point-to-point verification is required.

b. The Enbridge SCADA system used calculated or "pseudo" points. These types of points were not considered in the CRM plan and should be reviewed for correct values when equipment is added, moved, or changed as they can impact pipeline safety.

8. §195.446 Control room management.

(c) Provide adequate information. **Each operator must provide its controllers with the information, tools, processes and procedures necessary for the controllers to carry out the roles and responsibilities the operator has defined by performing each of the following:**

(5) Implement section 5 of API RP 1168 (incorporated by reference, see § 195.3) to establish procedures for when a different controller assumes responsibility, including the content of information to be exchanged.

a. Enbridge's plan addressing shift exchange did not provide clear definition and instruction regarding alarm review activities. Communication between controllers should specifically address alarms. For example, Material Balance System (MBS) alarms that were cleared during a shift need to be specifically identified as information to be provided to an in-coming controller.

b. Enbridge's plan allows for a temporary transfer of control responsibility to other controllers. This temporary transfer is not documented and does not have a defined maximum time limit that can transpire before a formal shift exchange process is required.

9. §195.446 Control room management.

(d) Fatigue mitigation. **Each operator must implement the following methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the roles and responsibilities the operator has defined:**

(1) Establish shift lengths and schedule rotations that provide controllers off-duty time sufficient to achieve eight hours of continuous sleep;

Enbridge's plan has not incorporated a substantiated time for adequate shift exchange or transfer to occur. A substantiation of shift change time is needed to determine if 8 hours of recovery time can realistically be achieved for each controller. Controller input and a periodic review of actual time required to complete a shift change per console should be incorporated into the Enbridge plan.

10. §195.446 Control room management.

(d) Fatigue mitigation. **Each operator must implement the following methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the roles and responsibilities the operator has defined:**

(2) Educate controllers and supervisors in fatigue mitigation strategies and how off-duty activities contribute to fatigue;

a. Controller and Supervisor fatigue training included various fatigue mitigation strategies. Enbridge controllers work 12 hour shifts and scheduled rotations vary regarding the maximum number of consecutive day and night shifts worked. The fatigue management plan did not emphasize the added risk of fatigue incurred by a controller from 2:00 am -6:00 am, during the 9^{th} thru 12^{th} hours of a shift, or after working 3 or more consecutive night shifts.

b. Fatigue mitigation measures may be implemented by controllers but the plan did not require that this information be documented by the controller or shift lead. Enbridge could not provide documentation that methods to reduce risk associated with controller fatigue had been implemented.

11. §195.446 Control room management

(d) Fatigue mitigation. **Each operator must implement the following methods to reduce the risk associated with controller fatigue that could inhibit a controller's ability to carry out the roles and responsibilities the operator has defined:**

(4) Establish a maximum limit on controller hours-of-service, which may provide for an emergency deviation from the maximum limit if necessary for the safe operation of a pipeline facility.

a. The fatigue management plan did not provide substantiation for the selected maximum limits on controller hours-of-service.

b. A more formal process regarding maximum hours-of-service limitations is needed. Total time worked for a controller in a 24 hour period should be recorded and documented in order to illustrate that the maximum limits regarding hours-of-service are not exceeded. Documentation should include any time spent in training (such as computer based remote training or time spent on the simulator), log-out/log-in console time records, shift change documentation, scheduling calendars, and payroll records.

c. Enbridge's fatigue management plan does not provide required documentation regarding the Technical Advisor or controller trainee maximum hours-of-service.

12. §195.446 Control room management.

(e) Alarm management. **Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:**

a. The alarm management plan utilized by Enbridge had not been modified to reflect Enbridge specific system components. For example the term "Interim Alarm" has no applicability to the Enbridge system but was provided in the alarm management plan. The definition of "Event" was not available in the alarm management plan but is clearly utilized by Enbridge. Enbridge should review the alarm management plan and make it specific to this system employed in the Edmonton, AB, Canada control room.

b. The alarm management plan and philosophy documents provided by Enbridge do not clarify the use of alerts. PHMSA has identified that "Alerts" are a form of alarm if controller action is required. If the controller is expected to respond to "alerts" including acknowledgements, then the "alerts" should be considered regarding other provisions of this section of the rule.

c. The alarm management plan does not include consideration of an internal audit process or a specific management of change process that would assist with the documentation regarding substantiation of "effective controller response" to alarms.

d. The alarm management plan had not taken into account other Enbridge procedures that reference how alarm functions are to be used or implemented. For example, the disabling of alarms or the filtering of alarms had been noted elsewhere in another procedure but had not been sufficiently incorporated into the alarm management plan.

e. The Enbridge Critical Components document did not appear to be in alignment with the alarm management plan and philosophy documents. Enbridge should review this information and make appropriate modifications as needed.

f. The alarm management plan should clarify how Enbridge will use the word "Priority" versus "Severity". If "Severity" and "Priority" are to be synonymous, then this should be identified in the alarm management plan. If the "Severity" is to remain as something unique and separate from "Priority", then Enbridge should define in the process documents how controllers are to prioritize their response to various alarm conditions.

g. The role of Alarm System Champion, the MBS analyst, and CCO Engineering need definition in the alarm management plan. The MBS analyst and CCO Engineering team members affect what the controller will see regarding leak detection alarms and pressure limitations. These actions can influence the effectiveness of the alarm management plan and can potentially introduce false alarms.

13. §195.446 Control room management.

(e) Alarm management. **Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:**

(1) Review SCADA safety-related alarm operations using a process that ensures alarms are accurate and support safe pipeline operations;

Enbridge did not adequately define safety-related alarms including alarms such as water content, water level indicators on scrubbers or horizontal filters or sump areas, filter considerations, and hydrogen sulfide concentration.

14. §195.446 Control room management.

(e) Alarm management. **Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:**

(2) Identify at least once each calendar month points affecting safety that have been taken off scan in the SCADA host, have had alarms inhibited, generated false alarms, or that have had forced or manual values for periods of time exceeding that required for associated maintenance or operating activities;

a. The alarm management plan did not include the review of stale or forced data. Stale or forced data can originate from multiple sources and locations, such as the PLC or RTU located in the field or at the SCADA system level. Enbridge needs to amend the alarm management plan to address stale and forced data occurring at various levels and this is to be part of the monthly review requirements.

b. The alarm management plan did not adequately describe or define false alarms and the associated response on behalf of Enbridge. False alarms need to be identified and reviewed as part of the monthly report requirements. The Enbridge alarm management plan appears to define False Alarms as only those identified by controllers or a subset of specific alarms comparing field equipment values (such as the transmitter disparity alarms). False alarms should not be "Pre-approved" as noted in the Enbridge false alarm definition. If field equipment testing is to transpire and the controllers are notified in advance, then the alarms that result from this field activity should not be considered false.

15. §195.446 Control room management.

(e) Alarm management. **Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:**

(3) Verify the correct safety-related alarm setpoint values and alarm descriptions when associated field instruments are calibrated or changed and at least once each calendar year, but at intervals not to exceed 15 months.

The alarm management plan for Enbridge did not include making sure that all alarm setpoint limits are readily accessible to controllers, including reduced maximum operating pressure values due to identified anomalies affecting pipeline integrity.

16. §195.446 Control room management.

(e) Alarm management. **Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:**

(4) Review the alarm management plan required by this paragraph at least once each calendar year, but at intervals not exceeding 15 months, to determine the effectiveness of the plan;

Enbridge's alarm management plan did not define and include effectiveness review criteria, such as controller response and specific alarm metrics.

17. §195.446 Control room management.

(e) Alarm management. **Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:**

(5) Monitor the content and volume of general activity being directed to and required of each controller at least once each calendar year, but at intervals not exceeding 15 months, that will assure controllers have sufficient time to analyze and react to incoming alarms; and

Enbridge did provide information on a work load analysis, but this was not inclusive of all tasks that a controller will perform. Examples of tasks or elements that affect the content and volume of general activity for a controller that may not have been covered in the work load analysis were procedure reviews, pressure limit change email notifications, MBS alarm responses, pipeline maintenance activities affecting telephone calls, and other planned pipeline projects.

18. §195.446 Control room management.

(e) Alarm management. **Each operator using a SCADA system must have a written alarm management plan to provide for effective controller response to alarms. An operator's plan must include provisions to:**

(6) Address deficiencies identified through the implementation of paragraphs (e)(1) through (e)(5) of this section.

The alarm management plan did not document the actions taken as a result of the monthly report or provide for prompt correction of deficiencies found.

19. §195.446 Control room management.

(f) Change management. **Each operator must assure that changes that could affect control room operations are coordinated with the control room personnel by performing each of the following:**

At the time of the inspection, Enbridge had not developed a sufficient change management process associated with the control room management plan. The process did not include any system integrity department interface, when pipeline integrity information can clearly impact controllers. System integrity or integrity departments in general were not referenced in the management of change (MOC) flowchart. While pressure restrictions implemented as a result of integrity management program activities frequently are encountered by the controllers, Enbridge does this by allowing the integrity management team to forward this information to other groups and limits are adjusted without controller specific involvement.

20. §195.446 Control room management.

(f) Change management. **Each operator must assure that changes that could affect control room operations are coordinated with the control room personnel by performing each of the following:**

(1) Implement section 7 of API RP 1168 (incorporated by reference, see § 195.3) for control room management change and require coordination between control room representatives, operator's management, and associated field personnel when planning and implementing physical changes to pipeline equipment or configuration; and

a. The change management portion of the Enbridge CRM plan did not sufficiently include the provisions in Section 7.3 of RP1168 regarding training occurring in advance of implementation of MOCs.

b. Enbridge did not define emergency MOC's as per API 1168 Section 7.4. The definition is needed for clarity if Enbridge intends to implement emergency MOCs.

21. §195.446 Control room management.

(g) Operating experience. **Each operator must assure that lessons learned from its operating experience are incorporated, as appropriate, into its control room management procedures by performing each of the following:**

(2) Include lessons learned from the operator's experience in the training program required by this section.

a. The Enbridge plan did not adequately address including lessons learned from the operator's experience into the training program. The definition of lessons learned by Enbridge did not cover all types of lessons gained from operating experience. This should also include those items not associated with reportable events or releases such as field events that could impact the controller. Enbridge has several reportable and non-reportable events that could be used to improve their training program and would strengthen the training program when one controller's operating experience is shared with another. An example was presented to Enbridge and discussed during the inspection regarding their incorporation into the training program a specific tank farm release where the position of a valve could not be determined in SCADA. The CRM rule requires the operator to incorporate into their training program operating experiences.

b. Enbridge did not consider operating experience associated with the identification of inconsistencies between training program elements and specific procedural requirements.

22. §195.446 Control room management.

(h) Training. **Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:**

(1) Responding to abnormal operating conditions likely to occur simultaneously or in sequence;

a. Enbridge's training program does provide a review of actual data for the occurrence of simultaneous or in-sequence abnormal operating conditions.

b. Enbridge should consider and amend its training program to include provisions specifically for Day Controllers. Day Controllers may not operate a console for an extended period of time. Changes associated with roles and responsibilities, procedures or console equipment may have occurred since the last time a Day Controller operated the console. Enbridge did not include provisions for necessary training as the result of changes that have occurred prior to Day Controllers operating the console.

23. §195.446 Control room management.

(h) Training. **Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:**

(2) Use of a computerized simulator or non-computerized (tabletop) method for training controllers to recognize abnormal operating conditions;

a. Enbridge's controllers have not been consulted regarding the use of color and/or descriptors associated with Alarms. The only evidence that the controllers may have a problem with the color or associated understanding of alarm descriptors is through the use of the simulator or specific alarm review activities. Enbridge should incorporate into the simulation aspect of the training program a specific review of all colors and significant alarms utilized on the console so that acuity and alarm descriptor understanding can be confirmed.

b. While Enbridge does use and develop computerized simulations for training, these simulations did not appear to cover all pipeline assets associated with any one complete console, a terminal, specific pressure reductions prior to implementation, or difficult pipeline operations. The Enbridge training plan should describe how simulation scenarios are developed and selected based on various operating considerations.

24. §195.446 Control room management.

(h) Training. **Each operator must establish a controller training program and review the training program content to identify potential improvements at least once each calendar year, but at intervals not to exceed 15 months. An operator's program must provide for training each controller to carry out the roles and responsibilities defined by the operator. In addition, the training program must include the following elements:**

(5) For pipeline operating setups that are periodically, but infrequently used, providing an opportunity for controllers to review relevant procedures in advance of their application.

Enbridge's training program does not provide specifics regarding terminal operations and associated configurations that are infrequently used.

25. §195.446 Control room management.

(i) Compliance validation. **Upon request, operators must submit their procedures to PHMSA or, in the case of an intrastate pipeline facility regulated by a State, to the appropriate State agency.**

PHMSA requested Enbridge by email on November 22, 2011 to provide all applicable written procedures associated with control room management prior to the inspection and not later than Dec. 5th, 2011. PHMSA did not receive the requested information until arriving for the inspection on Dec.12th. PHMSA brought this provision of the rule to the attention of Enbridge personnel in the first week of the inspection.

On Dec. 16th, upon completion of the first week of the scheduled two week Enbridge CRM inspection, PHMSA requested that the plan and procedure information be mailed to their offices and that of their state partner. While Enbridge said this would be done, it was not. Once again, PHMSA reminded Enbridge by email on Dec. 30, 2011 that they had not yet received the information requested and that this information was expected on Jan 2nd, 2012. While efforts on behalf of Enbridge were started on Jan. 3, 2012 to provide some of the requested information, all of the information requested was not provided until the PHMSA inspection team arrived on-site. This was identified as a significant issue in the exit interview from this inspection. Enbridge did identify the second occurrence in the deviation log.

Enbridge does not have a sufficient process developed for providing procedures to PHMSA or their state partners upon request. This process must include accountability aspects. A formal process for tracking these requests including logging their current status and the completion dates versus data requested must be developed in order to demonstrate compliance with this section of the rule. The formal process should require that all requests be addressed in a timely fashion and completed by requested deadlines. As part of the formal process, a step shall be included that requires all requests that are not provided in a timely fashion, exceed the requested deadlines, or do not comply with the developed procedure must be placed in the deviation log.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. 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). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within [number of days] days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Enbridge Energy, L.P. maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to David Barrett, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2012-5015M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

David Barrett
Director, Central Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*