

Wayne Parkin
General Manager
Barrow Utilities and Electric Cooperative, Inc.
P.O. Box 449
Barrow, Alaska 99723

Re: CPF No. 57003

Dear Mr. Parkin:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violation, acknowledges completion of certain corrective action and acknowledges revision of certain operating and maintenance procedures. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

This case is now closed. No further enforcement action is contemplated with respect to the matters involved in this case. Thank you for your cooperation in our joint effort to ensure pipeline safety.

Sincerely,

Gwendolyn M. Hill
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, DC 20590

In the Matter of)
)
Barrow Utilities and)
Electric Cooperative, Inc.) CPF No. 57003
)
Respondent.)
_____)

FINAL ORDER

On December 11 and 12, 1996, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Respondent's facilities and records in Barrow, Alaska. As a result of the inspection, the Director, Western Region, OPS, issued to Respondent, by letter dated March 7, 1997, a Notice of Probable Violation, Proposed Compliance Order and Notice of Amendment (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. §§ 192.16(b), 192.203(b)(9), and 192.619, and proposed that Respondent take certain measures to correct the alleged violations. The Notice also proposed, in accordance with 49 C.F.R. § 190.237, that Respondent amend its procedures for Operations, Maintenance and Emergencies.

Respondent responded to the Notice by letters dated July 3, 1997 and June 5, 1998 (Response). Respondent did not contest the allegations of violation but provided information concerning the corrective actions it has taken. Respondent did not request a hearing and therefore, has waived its right to one.

FINDINGS OF VIOLATION

Respondent did not contest alleged violations in the Notice. Accordingly, I find that Respondent violated the following sections of 49 C.F.R. Part 192, as more fully described in the Notice:

49 C.F.R. § 192.16(b) -- failing to notify its customers of the information listed in this section;

49 C.F.R. § 192.203(b)(9) – failing to ensure that any one control line failure will not cause both regulators to fail simultaneously; and

49 C.F.R. § 192.619 – failing to ensure that the operating pressure does not exceed the maximum allowable operating pressure.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

COMPLIANCE ORDER

The Notice proposed a compliance order. Respondent has demonstrated corrective action addressing the customer notification, separation of control lines and maximum allowable operating pressure as proposed in the proposed compliance order. The Director, Western Region, OPS has accepted these measures as adequately fulfilling the requirements of the regulations and no further action is needed with respect to a compliance order.

AMENDMENT OF PROCEDURES

The Notice alleged inadequacies in Respondent's Operations, Maintenance and Emergencies Manual and proposed to require amendment of Respondent's procedures to comply with the requirements of 49 C.F.R. § 195.402.

In its response, Respondent submitted copies of its amended procedures for welding, electrofusion methods, and strength testing of steel pipelines, which the Director, Western Region, OPS has accepted as adequate to assure safe operation of Respondent's pipeline system. Accordingly, no need exists to issue an order directing amendment.

Under 49 C.F.R. § 190.215, Respondent has a right to petition for reconsideration of this Final Order. The petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The filing of the petition automatically stays the payment of any civil penalty assessed. All other terms of the order, including any required corrective action, shall remain in full effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective upon receipt.

Failure to comply with any aspect of this Final Order, including the Amendment, may result in the assessment of civil penalties of up to \$25,000 per violation per day, or in the referral of the case for judicial enforcement.

Stacey Gerard
Associate Administrator
for Pipeline Safety

Date Issued