U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAR -4 2002

Mr. Charles P. Plant
Vice President Production
Thums Long Beach Company
111 W. Ocean Boulevard
Suite 800
Long Beach, CA 90802

RE: CPF No. 5-2000-2002

Dear Mr. Plant:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes findings of violations, acknowledges completion of certain corrective action and 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 and no further enforcement action is contemplated with the 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

Gwendolyn M. Hill
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED) AND TELECOPY

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

In the Matter of	)	
Thums Long Beach Company,	)	CPF No. 5-2000-2002
Respondent	)	

FINAL ORDER

On December14–17, 1999, 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 operating and maintenance, emergency response procedures, records, and pipeline facilities in Long Beach, California. As a result of the inspection, the Director, Western Region, OPS, issued to Respondent, by letter dated June 5, 2000, 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 violated various provisions of 49 C.F.R. Part 191 and 192, and proposed that Respondent take certain measures to correct some of 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 letter dated October 11, 2000 (Response). Respondent did not contest the allegations of violation but provided information concerning the corrective actions it has taken. Respondent supplemented its Response with correspondence dated May 10, 2001.

FINDINGS OF VIOLATION

Respondent did not contest the alleged violations of §§192.605, 192.603, and 192.491 in the Notice. Accordingly, I find that Respondent violated 49 C.F.R. Part192, as more fully described in the Notice:

1. 49 C.F.R. §192.605(a) – failing to prepare a manual of written procedures addressing controlling corrosion, making construction records, maps and operating history available to appropriate operating personnel and the reporting of safety-related conditions;

2. 49 C.F.R. §192.603(b) – failing to keep maintenance and inspection records to demonstrate compliance with §§192.743 and 192.745 for the period between 1997 and 1999;

3. 49 C.F.R. §192.491(c) – failing to provide maintenance and inspection records to demonstrate corrosion control maintenance activities for the period between 1991 and 1999.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

WARNING ITEMS

The Notice did not propose any penalty with respect to these items; therefore, Respondent is warned that if it should not take appropriate corrective action and a violation comes to the attention of OPS in a subsequent inspection, enforcement action will be taken.

Item 10 in the Notice alleged that Respondent failed to submit an annual report, Form RSPA 7100.2-1, for the calendar year 1998.

Item 11 in the Notice alleged that Respondent failed to conduct timely transmission line right-of-way patrols at Queens Way Bay, exceeding the maximum interval by 419 days.

Item 12 in the Notice alleged that Respondent failed to conduct timely leakage surveys of the TLBC line, exceeding the maximum interval by 411 days.

Item 13 in the Notice alleged that Respondent failed to maintain records for the JL-1 Line to show that the compressor station relief devices and emergency shutdown devices have been inspected and tested once each calendar year during 1997 and 1998.

Item 14 in the Notice alleged that Respondent failed to maintain records for the JL-1 Line to show that the pressure limiting devices have been inspected and tested once each calendar year during 1998 and 1999.

Item 15 in the Notice alleged that Respondent failed to follow the operating and maintenance manual and failed to maintain records or maps sufficient enough to provide adequate detail to compare the cathodic protection test records between one year and the next, therefore it was not possible to locate TLBC's cathodically protected piping or cathodic protection facilities, galvanic anodes.

Item 16 in the Notice alleged that Respondent failed to maintain records for Grisson Subsea, White Subsea, Chaffee Subsea, Freeman Subsea, Queen Mary, J2 Site, and Lomita to show that the rectifiers were inspected for corrosion control six times each calendar year between 1997 and 1999.

Rectifier Location	Previous Test date	Latest Test Date	Maximum Interval Exceeded by:
Grisson Subsea	12/05/96 05/05/97 08/15/97 10/12/97 03/04/99 08/10/99	04/24/97 08/15/97 12/14/97 03/04/99 07/01/99 11/30/99	62 days 25 days 44 days 66 days 42 days 35 days
White Subsea	10/31/96 05/05/97 08/18/97 12/31/97 08/11/98 08/10/99	04/24/97 08/18/97 12/14/97 04/02/98 05/19/99 11/30/99	98 days 28 days 41 days 17 days 204 days 35 days
Chaffee Subsea	04/24/96 08/12/98 08/09/99	04/29/97 02/01/99 12/01/99	369 days 96 days 37 days
Freeman Subsea	03/27/96 04/29/97 08/15/97 09/30/98 08/09/99	04/19/97 08/15/97 12/14/97 03/12/99 12/01/99	387 days 31 days 44 days 86 days 37 days
Queen Mary	12/31/97 04/02/98 10/06/98	04/02/98 07/28/98 05/04/99	17 days 40 days 133 days
J2 Site	02/04/97 08/12/97 10/06/98 04/07/99 07/26/99	08/12/97 10/06/98 04/07/99 07/20/99 11/24/99	114 days 419 days 105 days 27 days 43 days
Lomita	08/12/97 03/02/98 10/05/98	03/02/98 08/31/98 06/18/99	125 days 105 days 179 days

COMPLIANCE ORDER

The Notice proposed a compliance order with regards to Items 1-3. Respondent submitted information to show that it has addressed all but one item in the Proposed Compliance Order. Respondent developed an Operator Qualification Program and matrix describing covered tasks, installed grounding straps on both sides of the breakout tanks and conducted internal inspections. With respect to Item 3D, Respondent demonstrated that it could not comply due to the lack of available technology to internally inspect the dual diameter JL1 pipeline. Therefore, Item 3D is withdrawn. The Director, Western Region, OPS has accepted the actions taken by Respondent to the remaining items as adequately fulfilling the requirements of the regulations and no further action is needed with respect to a compliance order.

AMENDMENT OF PROCEDURES

Items 4-9 of 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. §§192.605, 192.715, 192.719, 192.727, and 192.731.

Item 4 of the Notice alleges that the Respondent failed to include in its written procedures instructions to submit additional information obtained after an accident report is submitted and that this failure violated 49 C.F.R. §191.15(b) . Although 49 C.F.R. §191.15(b) requires Respondent to supplement accident information, it is 49 C.F.R § 192.605 which requires the Respondent to implement written procedures to gather supplemental data for incident reports. The facts show that the Respondent failed to have written procedures sufficient to address the submission of additional information obtained after an accident report is submitted. Accordingly, I find Respondent's procedures were inadequate under 49 C.F.R. §192.605(b)(4), as Respondent failed to include in its written procedures instructions to submit additional information obtained after an accident report is submitted.

In its Response, Respondent submitted copies of its amended procedures, 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 and amendment, 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.

Stacey Gerard
for Associate Administrator
for Pipeline Safety

MAR - 4 2002

Date Issued