

OPS Operator Qualification Enforcement Guidelines

The following enforcement guidelines are oriented toward the federal process. State enforcement processes do not follow this model, and differ from state to state. However, it is recommended that state inspectors review these guidelines for examples of enforcement actions that might be of assistance in defining the level of enforcement to be applied.

Rule Violations

If the inspection process reveals violations of prescriptive requirements of the rule (e.g., one or more of the enforceable requirements of the inspection are not implemented by the operator), state or federal regulatory authorities must take appropriate enforcement actions. Should deficiencies be identified in the way that operators address program characteristics, inspectors will seek evidence of violations related to these deficiencies. Significant inquiries seeking further information related to program characteristics will be communicated to the operator as an integral part of the inspection process. This is described more fully in the following paragraphs.

Enforcement actions must cite the provisions of the regulation where the operator is in apparent violation or where significant deficiencies exist, rather than the protocol questions, since the protocols are not enforceable.

Notice of Amendment

If inspection findings show that an operator's OQ program or related procedures are inadequate to assure safe operation of the pipeline facility, then the inspector should work with the responsible Regional Director to issue a Notice of Amendment within 90 days of completing the inspection. Such a Notice must specify the apparent inadequacies and the proposed action(s) for revision of the plans or procedures. The Regional Director should expect to receive a response to a NOA within 30 days of receipt of the Notice by the operator.

Examples of situations in which issuance of a NOA is the appropriate action include:

- The operator's plan or procedures (or both) does not fully identify the evaluation method(s) used to qualify people to perform each covered task.
- A task that should be covered is absent from the covered task list.
- An individual is qualified to perform a covered task that requires knowledge, skill, and ability (physical or mental) based only on a written evaluation with no method included to evaluate physical ability.
- An operator's plan does not adequately address span of control issues [covered under 192.805(c) or 195.505(c)].
- The operator has selected an exceptionally long reevaluation interval for one or more tasks without justifying these intervals.

Additional situations warranting a NOA that resulted from inspections conducted in 2003 are addressed in the individual protocols listed later in this document.

Notice of Probable Violation

If an inspection identifies that the operator appears to have violated a provision of the OQ regulations, then the inspector should work with the responsible Regional Director to issue a Notice of Probable Violation (NOPV). Such a notice must specify the provision of the OQ regulation that appear to have been violated, the evidence for the violation, and the response options available to the operator. The Regional Director should expect to receive a response to a NOPV within 30 days of receipt of the Notice by the operator.

Examples of situations in which issuance of a Notice of Probable Violation is the appropriate action include:

- An operator does not have a written qualification program.
- Contractor individuals who have not been qualified or whose qualifications have not been accepted by the operator are performing covered tasks without being directed and observed by an individual qualified to perform the covered task.
- An individual found performing a covered task has been qualified to perform that covered task subsequent to October 26, 1999 using only work performance history review.
- A qualified individual is found to be performing a covered task in a manner different from that described in the procedures.
- An individual is found to be performing a covered task for which they are not qualified.
- An operator's qualification records do not demonstrate that individuals are qualified to perform covered tasks.
- The operator's covered task list does not include tasks being performed by the operator that are clearly required by regulations.
- The operator has not identified generic or task-specific abnormal operating conditions associated with its qualification program.
- A qualified individual is found to be inadequately prepared to respond appropriately to an abnormal operating condition.

Additional situations warranting a NOPV that resulted from inspections conducted in 2003 are addressed in the individual protocols listed later in this document.

Protocol 1.01

The application of a fixed reevaluation interval had no documented justification or basis using performance statistics. The interval was applied to all tasks regardless of complexity of the task, the critical nature of the task, or the frequency of task performance. **NOA**

The consortium-generated reevaluation intervals were not integrated sufficiently with the covered task list that was being employed by the operator, and several of the reevaluation intervals used were too long. **NOA**

The operator should review the covered tasks and consider more frequent evaluation for covered tasks such as Tapping and Stopping. **NOA**

The operator should review the reevaluation process for each covered task **NOA**

The operator should specifically identify which covered task reevaluation periods are more stringent than the consortium recommendations. This should be line item identification by task. **NOA**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (a) Identify covered tasks;
- (g) Identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed

Protocol 1.02

The process utilized by the operator to simply request confirmation by contractors that they complied with the requirements of the OQ Rule was not deemed acceptable without audits by the operator to ensure the approach used by the contractor to qualify individuals was acceptable. This could have allowed contractor individuals to be qualified by Work Performance History Review only. **NOPV**

The operator representative stated that the contractor individuals performing NACE corrosion protection services were known personally to him, and that he did not review and document the acceptability of their qualifications. This deficiency led the OQ Inspection Team to question whether any review and documentation was performed on any other contracted services, or would be in the future unless procedures were strengthened and program responsibilities were delineated. **NOPV**

It appeared that the contractor evaluation process was largely OSHA-related. As a result, the Team concluded that review and acceptance of a contractor's OQ program was not being explicitly performed as part of the contractor evaluation process. There was some uncertainty on the part of the operator as to how many contractors were performing covered tasks without being directed and controlled by a qualified operator employee, but it was stated that a contractor individual (or individuals) was currently performing covered tasks for a facility without operator direction and control. The operator did not produce any evidence that the contractor was using qualified individuals for these tasks, which appeared to violate the requirements of the operator's OQ written program and regulatory requirements. **NOPV**

Another operator is operating the control center for the High Plains pipeline under contract, but the operator is not identified as an approved contractor. The operator's OQ program has not been reviewed to determine if it is consistent with the program for control center operators, and must ensure that any audits, etc. of contractor records and qualification programs includes the operator. **NOPV**

The OQ Inspection Team was concerned that some contractors may not provide hardcopy qualification information to field supervisors, and the field supervisors would not be able to check qualifications through the ISN database for those individuals.

NOA

The operator failed to provide assurance that its contractors had been adequately qualified to perform covered tasks, especially since the operator allowed some contractors to work under the supervision of their own management rather than under the operator's supervision or control. **NOA**

There is significant potential for exposure through contractor non-compliance with OQ program requirements, since no audit or other "assurance" process has been implemented. **NOA**

The OQ Inspection Team discovered that the operator's "working definition" of new construction was inconsistent with the OPS definition, and that some work was ongoing that should be considered maintenance. **NOA**

Existing documentation did not provide the necessary assurance that the procedures on which contractor evaluations were based were the same as the O&M procedures, with Technical Guidelines, and equipment-specific information from vendor manuals, used by operator employees and contractors in the field. **NOA**

There are no clear criteria for determining the conditions under which contractors will be qualified, or their qualifications accepted, for specific contracted covered tasks. The absence of criteria for acceptability of Work Performance History Review as the basis for qualification of contractors is of special concern. **NOA**

The Plan should state that the company is to obtain and review a copy of the Contractor Plan. **NOA**

The Plan needs to state that Supervisor of Gas Standards will review the plan. **NOA**

The Plan should state which task specific items will require operator-specific qualification (such as fusion). **NOA**

The Plan states that 6 audits will be conducted each quarter to review Work Performance. The plan does not state that 6 audits will be performed per Area. The fact that one audit consists of one crew or one individual should be spelled out. **NOA**

Bullet point number 3 under Methods of ensuring qualification of contractors needs to include the wording, (Trained and Qualified) by the operator or this bullet point need to be removed. **NOA**

The plan needs to specify the location of contractor records and how they will be maintained. **NOA**

The Plan needs to include the Method that will be used to verify that the contractor has received operator-specific standards. **NOA**

The operator needs to address the real methods of qualification of contractors in the written program and address those contractors outside of the program in an appendix.
RECOMMENDATION

Under third party certification, the operator should address that the NACE and API certifications also require AOC assessment. **RECOMMENDATION**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (b) Ensure through evaluation that individuals performing covered tasks are qualified;

Definitions. §192.803 & §195.503

Qualified means that an individual has been evaluated and can:

- (a) Perform assigned covered tasks; and
- (b) Recognize and react to abnormal operating conditions.

Protocol 1.03

The operator overlooked the fact that cp readings were being taken by an employee of another operator. The operator's pipeline and the other operator's lines are in the same ROW so its just easier to let the other operator's cp Tech take the readings. No money changes hands. **NOA**

Mutual assistance situations probably do occur, but it has not been addressed explicitly within either Plan. **NOA**

There is an area where lines owned by two individual operators run in a parallel trench for 200 miles. There are 70+ rectifiers that are co-owned and have shared maintenance between the two operators. There are additional lines where this shared ownership exists, and some instances exist where there are three or four operators sharing rectifiers. The two operators meet quarterly to resolve issues, and almost daily communications occur concerning alarms received on the remote rectifier readings. There are significant OQ and legal issues with this shared arrangement, and the team expressed grave concern with the current arrangement. The inspection team recommended this situation be worked out expeditiously, possibly by using a third party or contractor to maintain rectifiers for all operators. **NOA**

Recommend communication between companies that provide mutual aid to verify that processes and procedures are compatible. **RECOMMENDATION**

Definitions. §192.803 & §195.503

Qualified means that an individual has been evaluated and can:

- (a) Perform assigned covered tasks; and
- (b) Recognize and react to abnormal operating conditions.

Protocol 1.04 (Non-enforceable)

The Team observed that the operator had no mention of training in its OQ Plan under “evaluation methods” on page 4 of the Plan or under criteria for “reasonable cause” for questioning qualifications on Page 6 of the Plan. On-the-job training was addressed under non-qualified individuals on page 5 of the Plan, and can be considered “other forms of assessment” as allowed under “evaluation methods”. **Recommendation**

The OQ data system used by the operator does not currently support easy access to information on the method used to evaluate qualified persons. **Recommendation**

Tests do not identify critical questions that must be answered correctly for the person to pass the test. **Recommendation**

Documentation on the approach to developing and qualifying new employees is insufficient. **Recommendation**

The level of detail in the operating procedures is not sufficient to assure correct performance of certain key tasks, and no evidence was found that the needed detail existed in training material for the tasks. Therefore, OPS cannot verify that performance testing used to qualify the individuals was adequate. **Recommendation**

Training is addressed in the OM manual but not in the OQ program. **Recommendation**

The operator should identify certain critical questions that must be correctly answered to obtain qualification. **Recommendation**

The operator should give consideration to the length of time, by individual task, an employee can go without performing a covered task before he has to be reevaluated to perform a covered task (Example: how long can a controller be off and return without reevaluation; one month, one year?) **Recommendation**

Items noted are currently applicable to the State of Illinois requirements. The Plan does not state that training is required for initial qualification. The plan states only if the individual fails three times. Training required prior to initial qualification needs to be identified in the Plan. **Recommendation**

The apprenticeship training program as well as non-apprenticeship training needs to be referenced as training required prior to initial qualification. **Recommendation**

Contractor training needs to be addressed. **Recommendation**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (b) Ensure through evaluation that individuals performing covered tasks are qualified;

Definitions. §192.803 & §195.503

Qualified means that an individual has been evaluated and can:

- (a) Perform assigned covered tasks; and
- (b) Recognize and react to abnormal operating conditions.

Protocol 1.05

Qualification records were provided by the operator for a number of employee individuals performing covered tasks selected by the OQ Inspection Team. The Team found numerous irregularities with the records. For example, examinations given for the Leak Investigation Procedure, used the exam key with the correct answers bolded and italicized, rather than using the un-highlighted exam provided in the training module. The operator's Safety & Training Supervisor acknowledged that the instructor used the wrong exam, but did not appear concerned about the questionable qualification of individuals that this implied (since it was his policy to address and correct any wrong answers found during the test grading until all individuals scored 100%). The Team found 72 individuals that were qualified to this task, and informed the operator that it considered all of the individuals tested using the exam key to be unqualified to perform that task. **NOPV**

During the field verification inspection activities, the welder was observed using a 1/8-inch weld rod for the performance of welding activities. Review of the qualification data found that the welder had not qualified on that size of welding rod. Also, an incorrect welding procedure was used. The Team also noted that the operator was using the 19th edition of API-1104, instead of the 18th edition which was approved by OPS. The operator had not applied for a waiver to use the later edition of the code. **NOPV**

The Team observed the welder apply a cad weld to attach the CP lead to the steel pipe. A review of the welder's qualifications revealed that the individual had not been qualified to the training and qualifications modules for Cad welding or Thermite Welding (a review of employee qualifications indicated that no operator employee or contractor was qualified to perform cad welding). The individual also applied coating to the steel pipe (wrapped the pipe with a silver polycon tape for protection), without being qualified to the qualification module Corrosion Control-External. **NOPV**

An individual's documentation showed that the operator did not have documentation that proved his qualification with operator-specific covered tasks. **NOPV**

No historical record of written plan established by April 27, 2001, or a copy signed by management. Copy of current plan states issue date of April 27, 2001. **NOPV**

The operator could not confirm that the OQ program was in effect by the required date of April 27, 2001. **NOPV**

The written program identified the evaluation methods to be employed for initial qualification of employees. The OQ Inspection Team found that the program parroted the OQ Rule, without elaborating on how the operator truly intended to implement the requirements. **NOA**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (a) Identify covered tasks;
- (b) Ensure through evaluation that individuals performing covered tasks are qualified;

General. §192.809 & §195.509

- (a) Operators must have a written qualification program by April 27, 2001.
- (b) Operators must complete the qualification of individuals performing covered tasks by October 28, 2002.

Protocol 2.01

None of the following gas tasks from the COOQ standardized task list were identified as applicable to the operator. The inspection team identified that maintaining and monitoring odorant should be covered tasks for activities on gas lines for refineries, since Valero does maintain odorization on at least one system. The team concluded that covered tasks 23 (Maintenance and Repair of Relief Valves and Pressure Limiting Devices), 24 (Inspect, Test, Calibrate Pressure Limiting Devices and Relief Valves), 50 (Purge Gas from a Pipeline), 51 (Purge Air from a Pipeline), 57 (Operate Odorant Equipment), and 58 (Monitor Odorant Level), as a minimum, should be identified as covered tasks if they are performed by Valero or by contractors. Task 56 (Perform Incremental Pressure Increases to Up-rate MAOP) should be considered for the eventuality of uprating/reclassification. **NOPV**

A task not identified in the CT list is pipefitting of screw-type fittings or small valves, although the operator indicated that a preliminary review did not find any instances where these were used. Additionally, Task 18 and subtasks do not address general leak survey and patrol requirements contained in 49 CFR 192.705 and 192.706. **NOPV**

For tasks not included on the list of covered tasks, the operator could not show a record of how the four part test was used. **NOPV**

The Team identified the following shortcomings in the covered task list:

- The operator has a damage prevention policy, but does not address excavation as a covered task. The operator's definition of O&M tasks specifically excluded emergency response tasks, although FAQs presented on its website identified certain tasks to be performed during emergencies as covered tasks. **NOA**
- The operator's definition of O&M tasks was unclear as to its conformance to current OPS guidance. **NOA**
- Information on task elements and AOCs for certain tasks were missing or incorrect. **NOA**
- The Team noted that a task was employed for qualification of hot tapping and plugging lines 6 inches and below, and another task was employed for qualification of hot tapping and plugging lines 6 inches and above. However, the description for one task stated that employees qualified under one task need not qualify under the other. **NOA**

The operator was unable to provide completed documentation to demonstrate the comprehensiveness of the process used in developing its covered task list, including the specific consideration of Code requirements to identify O&M tasks and the comprehensive application of the four-part test of the OQ Rule to identify all applicable covered tasks. **NOA**

The operator employed a highly legalistic approach to the definition of covered task, which led to the exclusion of certain risk-significant and damage-prevention tasks such as backfilling, excavation, and failure investigation from its covered task list. **NOA**

The operator's definition of "new construction" implied in its definition of O&M tasks was inconsistent with OPS definitions of pipeline facilities contained in the regulations. It effectively excluded a wide range of covered tasks for such work, and especially work potentially performed by contractor individuals. **NOA**

Definitions section was insufficiently complete to provide adequate direction. **NOA**

More responsibility should be taken on at HQ to determine answers to questions that will apply over the entire "pipeline group". Less responsibility should be placed on field supervisors for making "applicability" decisions. These changes would promote uniformity of interpretation throughout the organization, reducing the potential for criticism in the aftermath of incidents. **NOA**

The operator did not include excavation as a covered task. A training module existed for an "excavation competent person," but this training is oriented toward hole safety (industrial safety and OSHA-related, with topics such as sloping, shoring, confined space, etc.) rather than prevention of damage. The Team informed the operator that it should include excavation as a covered task. **NOA**

The team observed that the operator, by using the industry-developed covered task list, did not include "excavation" as a covered task, nor did it address tasks associated with leak detection equipment operation and maintenance that was used to satisfy Integrity Management requirements. **NOA**

Operator stated that covered task lists were "borrowed" from other operators. Certain items were culled out and others added to the list, then the operator applied the 4-part test to arrive at the current covered task list. This generic list was trimmed to match the requirements for individual platforms. The operator apparently did not use material readily available from various associations to check this list. **NOA**

The list did not identify excavation activities as a covered task; the Team stated the reasons why excavation should be added to the list (a high risk of damage) and recommended that the operator enhance its program to include the task as a covered task. The Team also questioned why some tasks were not identified as covered tasks, which the team considered to be jurisdictional, and questioned the operator's decision process on applying the four-part test. The Team also questioned why one facility did not have four tasks on its DOT qualification sheet that were identified as covered tasks for another facility. **NOA**

The consortium should expand its covered tasks to address protection of pipeline facilities during excavation activities. The operator follows the covered task list as promulgated by the consortium, so the finding concerning excavation activities is applicable to the operator as an operator-specific plan deficiency. **NOA**

With regard to the definition of new construction, the operator noted that all personnel performing work, new construction or maintenance, are qualified individuals. This is over and above the consortium requirements, but had not been addressed as an amendment. The operator should prepare an amendment to its plan to identify this more restrictive requirement. **NOA**

Section 3.1.2 of program defines O&M tasks; new construction vs. O&M definitions are not in agreement with OPS positions - replacement sections that are small (no intervening joints) is O&M, pipe with intervening joints, the intervening joints are not O&M but new construction. **NOA**

Excavation activities are not included in a covered task nor as a separate covered task, but is well covered in damage prevention program. **NOA**

Emergency response activities - need to expand definition to identify that individuals performing activities such as manipulating valves, repairing pipe, etc. are to be qualified individuals, and that others (fire, cleanup, etc.) are not required to be qualified. **NOA**

The operator's definitions of Construction, Maintenance, Performed on a Pipeline Facility and Removed from the System do not concur with OPS positions on O&M vs New Construction. **NOA**

The inspection team took issue with the operator's definition of new construction as opposed to operator's assurances that no differentiation is made between new construction and O&M on job site - all individuals are qualified for covered tasks being performed. **NOA**

One of the tasks dealing with fire fighting equipment maintenance appeared that it should be a covered task. The operator must review the task and justify why it is not a covered task. **NOA**

The inspection team noted that excavation activities were not specifically addressed as a separate covered task or as part of another, related covered task. This was based on the COOQ position, which is not in agreement with the OPS position that these activities should be performed by a OQ qualified individual. **NOA**

The operator used the Covered task list that was developed by an owner-operator with some small changes. The major items that were missed were caused by their definition of "new construction" and "pipeline facility" (they were told to change to the code definition and agreed to do so). The inspectors suggested that they add as covered task 17 tasks that were excluded with the old definitions. They have agree to add 12 of the 17 but question the other 5. They will send OPS a letter on all changes and the reasons for

each CT added. **NOA**

Covered task lists were both developed excluding a wide range of activities that might be considered either O&M or new construction. The definitions included in both plans supported the exclusion of these tasks, but are not consistent with the current OPS position. **NOA**

The operator should update Appendix E (where the 4-part test was applied) to reconsider as "covered" many of the items previously determined to be "not-covered." Covered Tasks 1&49 are to be redone to correct obvious errors. **NOA**

The operator should revisit two tasks identified as not covered by the covered task list study, 3.1.6, maintain hazardous vapor detection system, and 3.1.14, maintain SCADA equipment, to see if they should in reality be covered tasks. **NOA**

The inspection team noted that excavation activities were not specifically addressed as a separate covered task or as part of another, related covered task. This was based on the COOQ position, which is not in agreement with the OPS position that these activities should be performed by a OQ qualified individual. **NOA**

The operator's definition of tasks performed on and off a pipeline facility, and the definition of new construction versus O&M, differ from OPS position. The operator, under their definitions, would allow maintenance work on items such as a breakout tank to be conducted by an unqualified individual if the tank was isolated from the system. **NOA**

The operator's definition of "Affects the operation or integrity of the pipeline" is written to exclude tasks that OPS considers covered. The operator defined "Is performed on a pipeline facility" in a manner inconsistent with the definition of "pipeline facility" provided in Parts 192 and 195. **NOA**

Definitions of Operations and Maintenance need to be revised to reflect CFR Part 192 where applicable. **NOA**

Excavation was not included as a covered task. **NOA**

The operator does not include excavation as a covered task. **NOA**

The operator should review the covered task list and omit or add tasks to meet the current program, including gas tasks and job descriptions. **NOA**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (a) Identify covered tasks;

Scope. §192.801 & §195.501

(a) This subpart prescribes the minimum requirements for operator qualification of individuals performing covered tasks on a pipeline facility.

(b) For the purpose of this subpart, a covered task is an activity, identified by the operator, that:

- (1) Is performed on a pipeline facility;
- (2) Is an operations or maintenance task;
- (3) Is performed as a requirement of this part; and
- (4) Affects the operation or integrity of the pipeline.

Protocol 2.02

The operator failed to provide assurance that its contractors had been adequately qualified to perform covered tasks. **NOPV**

The operator explained that there was a policy applied to written examinations that allowed individuals taking the examinations to review answers with the instructor and “re-mark” the examination by erasing or scratching through incorrect answers and marking the correct answer. Thus, in essence, no individual scored less than 100% on any covered task examination. The Team was concerned that this policy allowed individuals to be less diligent than they should be in learning the requirements needed for covered task performance, especially since the operator did not employ a performance evaluation to supplement most of the written tests. The policy also defeated reinforcement of learning to ensure long-term retention of training. This process allowed at least one individual who would otherwise have had a failing grade of 40% to be qualified based on re-marking his examination, rather than taking remedial training and another examination. This was determined to be a violation of acceptable evaluation methodology by the Team. **NOPV**

During field verification inspection activities, the Team observed that the use of the Mueller hot tap and stopple tool by the individual in the field did not match the procedure described in the vendor-supplied manuals (e.g., the individual did not establish a measurement of the total travel of the tool in order to penetrate the pipe). The Team questioned the knowledge and skills of the individual to perform the task correctly, and whether training on the correct procedure for use of the tool was periodically performed. **NOPV**

The operator’s OQ program for individuals responsible for testing and calibration of overpressure and pressure control equipment is inadequate. This is reflected in the fact that operator personnel do not use a calibration device during their annual testing and inspection of pressure control equipment. There is no testing done for pressure transducers and there is only a test to ensure kill switches. During the field inspection interview with a management individual, the inspector was informed that operator personnel do not calibrate their pressure shutdown switches using standard calibration procedures, instead they do a functional test to ensure the switch will function if the contacts touch. **NOPV**

On June 6, 2003, the operator experienced a pipeline leak at their unmanned Alzada pump station of approximately 120 barrels. This spill went unreported until it was discovered during this inspection on 08/21/03. There was no documentation on the aerial ROW surveillance reports to indicate such a spill had occurred, even though the spill was evident. The lack of reporting of this spill on the aerial patrol reports indicates that either personnel are not properly qualified or there needs to be an individual accompanying the pilot strictly for making observations. **NOPV**

The majority of the evaluations performed for qualification of employees by 10/28/02 were based on written assessments as part of the OQ training modules. A few, but not many, of the tasks had practical (performance) evaluations. The OQ Inspection team was concerned that a written evaluation did little for evaluating the skills and abilities required to perform a covered task. **NOA**

There was a noteworthy inconsistency between the evaluation processes (and the related level of assurance of qualification) applied to the four categories of individuals qualified by the operator to perform covered tasks on pipeline facilities (organized employees, non-union employees, independent contractors and contracting companies). **NOA**

The operator's OQ program did not ensure that qualified employees possessed the abilities needed to perform covered tasks (e.g., color-sensitive vision for control panel operators, visual acuity, hearing, strength and dexterity). **NOA**

The operator has developed a well organized evaluation process that is covered in the OQ plan Administrative Procedures. There needs to be more specificity for the process. **NOA**

The OQ plan infers "prequalification" before qualification is initiated, but does not address it specifically. It was recommended that a reference to "prequalification" of company individuals be addressed in the OQ plan. **NOA**

The OQ Inspection Team reviewed the covered task matrix, which identified the covered task and subtasks, the employee group that performed the task, and the qualification requirements for the task/subtask. The team noted numerous inconsistencies in the matrix; an example was the task, Minimize Internal Corrosion, where a line locator was indicated as qualified, when it should have been a corrosion control technician. The Team also noted inconsistencies in the code section citations for some tasks. **NOA If excessive, this may warrant a NOPV.**

The contractor qualification process did not include formal evaluation of an individual's skill in performing covered tasks. **NOA**

Because the contractors' skills were not formally evaluated (through documented performance verifications or other performance-based mechanisms), no assurance existed that they could recognize and react to task-specific AOCs for covered tasks. **NOA**

The process did not ensure that the qualified individuals possessed the physical capabilities needed to perform the covered tasks. **NOA**

Processes are lacking to assure that qualified people possess the physical capability needed to perform covered tasks. Qualification requires assurance that the qualified person possesses the ability (i.e., knowledge, skill and physical capability) to perform the covered task. **NOA**

Documentation on the approach to developing and qualifying new employees is insufficient. **NOA**

In future, operator intends to use OQSG modules for reevaluation/requalification, but these are only knowledge-oriented, can't demonstrate skills. The operator needs to have evaluation method(s) to measure skills on applicable tasks. **NOA**

Job Performance Measures appeared to be a good evaluation tool, but the operator needs to identify Safety Critical Steps where appropriate before this method is widely used in evaluations. **NOA**

The operator's OQ program addressed knowledge and skills, but did not address abilities of individuals being evaluated for qualification to perform covered tasks. **NOA**

The current Plan does not state the type of evaluation method used per task. The methods used should be identified on a task specific basis. **NOA**

The O Q Course to Records File Spread Sheet needs be incorporated into the Plan for task specific evaluation methods. **NOA**

The audit of contractor employee evaluations needs to be referenced in the Plan. **NOA**

The operator's program allows the performance of evaluations on active equipment by unqualified evaluators and individuals being evaluated (unqualified or potentially unqualified if the evaluation is failed). **NOA**

Recommend that the operator review timeframe for entering new or additional qualifications into the Qualifier 6.5 program. **RECOMMENDATION**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (b) Ensure through evaluation that individuals performing covered tasks are qualified;

Definitions. §192.803 & §195.503

Evaluation means a process, established and documented by the operator, to determine an individual's ability to perform a covered task by any of the following:

- (a) Written examination;
- (b) Oral examination;
- (c) Work performance history review;
- (d) Observation during:

- (1) Performance on the job,
- (2) On the job training, or
- (3) Simulations;
- (e) Other forms of assessment

Qualified means that an individual has been evaluated and can:

- (a) Perform assigned covered tasks; and
- (b) Recognize and react to abnormal operating conditions.

Protocol 3.01

The fact that the operator appeared to be relying on written testing that occurred as much as 12 years ago as the sole basis for qualifying employees was considered unacceptable. This reliance on dated testing was akin to the use of an incompletely documented Work Performance History Review, and even violated the interval of five to seven years for reevaluation that was stipulated in the OQ program reviewed in the inspection. **NOPV**

The database did not state the method of qualification of company employees performing covered tasks. **NOPV**

There are no clear criteria for determining the conditions under which contractors will be qualified, or their qualifications accepted, for specific contracted covered tasks. The absence of criteria for acceptability of Work Performance History Review as the basis for qualification of contractors is of special concern. **NOPV**

The operator could not find records for two individuals that were indicated as being qualified to perform covered tasks. A third individual was found to have signed as the Subject Matter Reviewer for his own qualification. The list of qualified individuals provided by the operator only indicated an overall qualification ("yes"), rather than breaking down the individual's qualifications on a task-by-task basis. It could not be determined if this task-specific qualification information was available to facility supervisors so that they could ensure that a qualified individual was performing the assigned covered task. **NOPV**

Refer to Protocols 1.05 and 2.02. Individual performing covered task does not have documentation in database. **NOPV**

Qualification for Task 70, which is a pre-qualification for all other covered tasks in the Consortium's and operator's OQ plans, was not shown on the individual's hardcopy list, nor was it found later on the computerized qualification database back at the district office. **NOPV**

The OQ Inspection Team observed that the operator had many databases and tools to track and accumulate information pertinent to the OQ program, but these resources were not well-linked so that everyone had access to the information that might need it. **NOA**

The Team was concerned that the welding standards referenced API-1104 19th edition Appendix B, rather than the 18th edition which is the latest edition approved by OPS. **NOA/NOPV**

Forms for documenting qualifications were provided to job supervisors and made a part of the Repair and Inspection Report. The incorrect form was referenced. The Team was concerned that consistency of documentation was at risk, and recommended that the operator review this area. **NOA**

A mechanism to retain records in the database system doesn't exist (e.g., periodic download of data for retention by the operator). **NOA**

Operator is not currently requiring job site verification of contractor employees. **NOA**

Problems were identified with qualification documentation for gas covered tasks, and problems were found with employee qualification records not being loaded into ISNetworld. **NOA**

The demonstration of ISNetworld showed that the operator did not have an effective way to track contractor qualifications for work being performed at their sites. **NOA**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (b) Ensure through evaluation that individuals performing covered tasks are qualified;

Recordkeeping. §192.807 & §195.507

Each operator shall maintain records that demonstrate compliance with this subpart.

(a) Qualification records shall include:

- (1) Identification of qualified individual(s);
- (2) Identification of the covered tasks the individual is qualified to perform;
- (3) Date(s) of current qualification; and
- (4) Qualification method(s).

(b) Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

Protocol 3.02

The OQ Inspection Team recommended that the operator perform an evaluation of tasks that might have significant consequences if not performed correctly or were highly complex and develop span of control criteria that could be applied by field supervisors. **NOA**

No specific span-of-control requirements were identified, although the operator indicated that the number of individuals performing DOT covered tasks at one time at a facility ranged from three to eight (thus a potential of 7 unqualified individuals controlled by one qualified individual). The OQ Inspection Team recommended that the operator develop specific criteria for span-of-control, and consider the risk criticality of the task when deciding upon the span of control to be applied. The Team also noted that the operator did not identify any tasks that were restricted from being performed by a non-qualified individual, although the operator stated in the interview that welding operations would only be conducted by qualified welders. **NOA**

The operator should state the span-of-control limits per task. **NOA**

No span-of-control requirements for individual tasks, no identification of prohibited tasks. **NOA**

A qualified observer needs to look at more than just AOCs when directing and observing unqualified individuals. **NOA**

Span of control for covered tasks is not specifically dealt with in operator's OQ program - too much is left up to the discretion of field supervisors. **NOA**

The operator did not identify specific tasks that should be excluded from performance by unqualified individuals, although there are obvious ones that should be listed (e.g., welding, certain corrosion control tasks). The operator should revise the written program to identify these tasks. **NOA**

The operator also did not specify span of control requirements for application to covered tasks. The operator should revise the written program to identify span of control requirements. **NOA**

The operator should develop specific guidance for span of control limits for non-qualified individuals performing covered tasks. **NOA**

Address span of control for high risk covered tasks. **NOA**

The operator should change the wording in Sections 4 and 8 of the written program from "directly observe" to "Direct and Observe." **NOA**

The ratio of non-qualified to qualified individuals needs to be spelled out in the plan. **NOA**

Specific tasks where a generic ratio of qualified to non-qualified individuals cannot be used should be identified in the plan. **NOA**

The plan needs to address tasks that may not be performed by non-qualified individuals. **NOA**

The plan needs to identify the circumstances that initiate corrective action by the observer, e.g., doing something that is dangerous, not following procedures. **NOA**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified

Protocol 4.01

The operator stated that work performance history review (WPHR) was the sole evaluation method used for qualification of individuals performing covered tasks prior to the October 26, 1999 (the effective date of the rule), in accordance with the acceptable methods for transitional qualification addressed in the rule and preamble. The rule requires that individuals who did not perform covered tasks prior to October 26, 1999 and were qualified at any time before October 28, 2002 (the compliance date of the rule; initial qualification) could be evaluated using one or more of the evaluation methods identified in the rule, but WPHR could not be used as a sole means of evaluation. The Team found qualification records for ten employees hired after October 26, 1999 that indicated these individuals were qualified solely by WPHR for most, if not all, of the covered tasks they were expected to perform. **NOPV**

The Team noted that the operator did not specify any criteria or requirements for the performance of WPHR in the written plan, nor were there any notes associated with the records reviewed to indicate the basis for the Subject Matter Reviewer or the supervisor concluding that the individual was qualified. The Team was concerned that the operator had not properly applied the WPHR evaluation process to any of the employees qualified by this method. **NOPV**

Documentation is spotty, insufficient and incomplete. Examples of deficiencies:

- Individual performed CP work prior to 1995, then was once again assigned to perform CP work in 2000;
- Only record listed for individual's task performance was 12/13/99, after required date;
- Numerous examples of forms not signed and/or dated by supervisors and/or employees;
- Numerous examples of WPHR forms with no records of task performance listed as required;
- Some individuals only qualified on subtasks, but database (Knowledge Planet) of qualifications are not detailed enough to identify subtasks;
- Example of supervisor acknowledging that no records of task performance existed, but individual performed task, so WPHR was appropriate;

- Numerous examples of records that were dated 1996, but no records showing regular performance of covered task;
- example of no WPHR form for individual with individual and supervisor signature;
- No indication that records were reviewed to determine if individual's performance of covered task led to a near miss, incident (company, not DOT-reportable) or incident/accident (DOT reportable). **NOPV**

The inspection team found that records of WPHR were in the form of a checklist, which only documented that the task was performed by the employee prior to 10/26/99 and was being performed currently, along with a supervisor's signature. Documentation was not available or presented to the team to confirm that the operator considered any of the other items identified in the written program that would ensure that performance of the covered task(s) was satisfactory. **NOPV**

The OQ Plan does not rely heavily on documenting the performance of covered tasks prior to August 1999, but instead emphasizes "knowledge" that the individual performed the covered task without incurring bad marks for substandard performance, during the prior 3-year evaluation period. Also need to emphasize the lack of contributing to an incident or accident. Finally, there is no requirement for WPHR-based qualifications to include recognition and reaction to AOCs, which is half of the qualification criteria. **NOPV**

Hard-copy records of qualifications showed individuals, hired after October 26, 1999, were qualified using WPHR in apparent violation of the rule requirements. **NOPV**

Supervisors improperly implemented the WPHR process by qualifying individuals hired after 10/26/99, indicating deficiencies in training and knowledge of OQ program and acceptability of using these individuals to perform future qualifications. **NOPV**

The OQ Inspection Team observed that the regulatory reference to WPHR for a dual operation operator should also include part 192 requirements in addition to Part 195. **NOA**

An issue the OQ inspection team had was that the operator personnel performing the WPHR only had one year of data available to them. **NOA**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (b) Ensure through evaluation that individuals performing covered tasks are qualified;

Definitions. §192.803 & §195.503

Evaluation means a process, established and documented by the operator, to determine an individual's ability to perform a covered task by any of the following:

- (a) Written examination;
- (b) Oral examination;
- (c) Work performance history review;

- (d) Observation during:
 - (1) Performance on the job,
 - (2) On the job training, or
 - (3) Simulations;
 - (e) Other forms of assessment

General. §192.809 & §195.509

- (c) Work performance history review may be used as a sole evaluation method for individuals who were performing a covered task prior to October 26, 1999.
- (d) After October 28, 2002, work performance history may not be used as a sole evaluation method.

Protocol 4.02

The operator appeared to be in violation of this provision of the OQ rule. Reviews of written examinations used for qualification to perform covered tasks revealed essentially no questioning on subjects that could loosely be described as Abnormal Operating Conditions. No generic training module on AOCs was employed, although one was available from the consortium. The covered task matrix indicated AOC training was incorporated as part of the training modules for each covered task or group of tasks, but review of several modules by the OQ Inspection Team revealed that the training modules did not include detailed information on how an individual should react to an AOC. The Operations Technicians, Surveyors, Gas Control Dispatchers and Pipeline Supervisors were not indicated as being qualified to be able to recognize and react to AOCs for the covered tasks they were apparently otherwise qualified to perform. **NOPV**

During field verification inspection activities, the welding individual was asked by an inspector about abnormal operating conditions that might occur during the conduct of hot tapping and stopping tasks. The individual was unfamiliar with the term “abnormal operating conditions,” which led the Team to question the process for identifying and familiarizing individuals on AOCs during the evaluation and qualification of individuals to perform covered tasks. The individual was knowledgeable about problems that had been experienced in the past during the conduct of these tasks, and was comfortable in knowing how to work through a situation, but had obviously not been trained or familiarized with AOCs specific to the tasks being conducted. **NOPV**

During field verification inspection activities in the Gas Control Center, the Team discussed the involvement of the gas controllers with the methods used for qualification. Several AOCs (odorant level, pressure/MAOP, control valve) were presented to the controllers for discussion of their response and reaction to the AOCs. The conclusion of the Team following this discussion was that the control center personnel were weak in their knowledge of and expected reactions to AOCs. **NOPV**

No AOCs were identified by the operator, either generic or task-specific, for qualified individuals to be able to recognize or react to during their performance of a covered task. The operator informed the OQ Inspection Team that the former Training Coordinator did not believe that AOCs needed to be incorporated into the evaluation and qualification program. The operator also stated that individual facility Subject Matter Reviewers may

have developed AOCs for their employees, but it was apparent that AOCs were not an integral part of the evaluation process for the operator's program as a whole. **NOPV**

The operator did not include evaluation for recognition of and reaction to AOCs as part of the evaluation process for employees qualified using work performance history review. **NOPV**

No record of AOC recognition and reaction for those individuals qualified by WPHR. **NOPV**

Page 8 of the operator's program states that qualification of all individuals included consideration of their ability to recognize and react to AOCs. The inspection team found that no oral examination, training or testing on AOCs was given to any of the 430 employees qualified transitionally by WPHR prior to October 28, 2002. **NOPV**

For individuals qualified using work performance history review, the operator did not include training and evaluation for the ability to recognize and react to AOCs, which is one of the two requirements for qualification in the OQ rule. **NOPV**

The qualification records for individuals performing covered tasks at gas facilities did not indicate that the individuals had received training and evaluation on AOCs. **NOA or NOPV, depending on circumstances**

The operator should commit to developing a generic training module for AOCs. **NOA**

The OQ team suggested that the operator weight the AOC questions in the written tests, emphasizing the importance of the AOCs. **NOA**

OPS was unable to determine whether individuals evaluated through NACE knowledge testing had been evaluated on the capability to recognize and react to generic or task-specific AOCs. **NOA**

The adequate treatment of AOCs in the program relies on periodic meetings, such as the weekly safety huddle and control center meetings, for which adequate documentation of topics discussed does not yet exist. Such documentation needs to be captured in OQ program documentation. **NOA**

A provision needs to be added to the program to ensure those contractors and new employees who are not qualified under the operator's program have taken the AOC training. **NOA**

AOC reaction was noted to be very general, and did not provide specific types of reactions to the AOCs provided. **NOA**

The operator does not have "generic" AOC training and evaluation modules; these are needed to ensure that all individuals performing covered tasks can recognize and react to those AOCs that may be encountered as a result of being in the vicinity (not directly

associated with the performance of a specific covered task). **NOA**

Company and contractors must take NCCER Written Assessment or AOC Written Test. The weakness seen is the entities that work for the operator in the refineries. **NOA**

The AOC training module addresses emergency response more than AOC; the module should be rewritten to match the AOCs listed in the written program. **NOA**

The task specific AOC list needs to be added to the OQ Plan. **NOA**

Generic AOC's are to be identified and included in the OQ Plan. **NOA**

AOC' s identified by the operator that are not on the consortium list need to be conveyed to the contractors. **NOA**

The operator needs to verify that the contractor employees have been qualified on all AOC's. **NOA**

The TIP communication process needs to be addressed in the OQ Plan. **NOA**

Definitions. §192.803 & §195.503

Abnormal operating condition means a condition identified by the operator that may indicate a malfunction of a component or deviation from normal operations that may:

- (a) Indicate a condition exceeding design limits; or
- (b) Result in a hazard(s) to persons, property, or the environment.

Qualified means that an individual has been evaluated and can:

- (a) Perform assigned covered tasks; and
- (b) Recognize and react to abnormal operating conditions.

Protocol 5.01

Assurance is lacking that documentation exists to determine which people performed tasks that potentially contributed to accidents. **NOPV**

The OQ Inspection Team noted that the definition of "incident" (which term should be modified to include "or accident") in Appendix B of the operator's OQ plan required revision to reflect 5 gallons of liquid discharged as opposed to 50 barrels and to be otherwise consistent with the current statements of §191.3 and §195.50 in the regulations. The operator's plan should also be revised to include the use of the Part 195 term "accident". **NOA**

The operator should also ensure that all definitions are consistent with regulatory definitions. **NOA**

The OQ Inspection Team observed that the operator's program did not address the situation where a resultant accident or incident occurred at a substantially later time than

the performance of the covered task. **NOA**

At the time of the inspection, the operator had no formal provision for reevaluating employees qualified to perform covered tasks who had not performed the task for a prolonged period. **NOA**

When the root cause of an incident is found to be the performance of an employee, the individual is re-qualified and SOPs are changed as needed. The process is good but would be better if more detail were included. **NOA**

The OQ Inspection Team recommended that the operator reference the O&M SOP in its OQ Plan. **NOA**

Documentation of the processes used to implement OQ was incomplete and lacked thorough cross-referencing with the O&M Manual, Technical Guidelines, and vendor manuals for specific pipeline facility equipment. For example, the internal corporate requirement for performance reviews every six months was cited as a means for monitoring performance of covered tasks by individuals, but this means was not documented in the OQ plan. **NOA**

The operator must state specific criteria for each required procedure. **NOA**

Currently the reasonableness of reevaluation intervals is not assessed through performance evaluation. **NOA**

The OQ Inspection Team noted that the rule required evaluation if the individual “contributed to” an incident or accident – a subtle but important difference. The operator should consider revising the written program to conform to the language of the OQ rule. **NOA**

The Team also observed that the evaluation of an individual “for cause” addressed in Section 5.6 of the program did not specify any criteria or examples of reasons for questioning the qualification of an individual. There was also no waiting period specified for the reevaluation process, implying that a supervisor could immediately reevaluate the individual (with no criteria for evaluation established) and reinstate the individual to continue performing the covered task. **NOA**

Criteria should be established for determining the restriction of an individual's performance of a covered task while under investigation. **NOA**

Criteria of specific customer complaint and peer review should be added when determining whether an individual is no longer qualified. **NOA**

The inspection team found that the consortium and supporting operators need to add consideration of why an individual contributed to an incident in Section 9 of Plan, and add consideration of why an individual is no longer qualified to perform that covered task in Section 10 of Plan. Also, operators should complete this determination before requalification is attempted, and address any deficiencies in evaluation methods/procedures/processes. **NOA**

The consortium should provide guidance in Section 10 of the Plan for factors that could be considered as reasons to believe that an individual is no longer qualified to perform that covered task. **NOA**

The team found that the crew was using the torque value of 25 ft-lbs from the polyethylene instructions rather than the correct value of 50 ft-lbs from the steel pipe instructions. The team considered this to be a violation of OQ requirements, in that the crew incorrectly performed the covered task. **NOPV**

The operator's plan "may" suspend qualifications, based on the few qualified individuals on the west coast. Suggested provide some more guidance for the supervisors on how the "may" is to be exercised, depending on severity and nature of the incident. **NOA**

The operator should change the OQ program to require immediate suspension of an individual's qualifications if the is reason to believe he/she may have contributed to an incident, pending the outcome of the investigation (reevaluate or reinstate at that point). Program had called for reevaluation (if indicated) only after the investigation was completed. In addition: 1) the program did not address the situation where an accident occurs as the result of a faulty procedure that was performed correctly; and 2) the program assumed that the annual standard performance evaluation process would fulfill regulatory requirements to reevaluate if there is reason to suspect qualifications. This should be revised to indicate that questions regarding qualifications may be raised at any time. **NOA**

Need a tie-in from OQ, accident investigation, near miss, and employee evaluation if contributed to an accident. **NOA**

The plan does not state that the individual will not be allowed to perform a covered task in the time interval between the incident and the results of the incident review. The plan should state that the individual will not be allowed to perform the covered task until it has been determined that the individual's performance did not contribute to the incident or the individual has been re-qualified. **NOA**

The plan needs to identify the person or persons that decide reasonable cause for reevaluation. **NOA**

Guidelines need to be included for determining if reasonable cause exists. Examples: Observed errors or physical limitations. **NOA**

The plan needs to state the process that will be used to re-qualify the individual. **NOA**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(d) Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in

Part 191;

(d) Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an accident as defined in Part 195;

(e) Evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task;

Protocol 5.02

The across-the-board application of a five to seven year reevaluation interval by the operator had no documented justification or basis using performance statistics. **NOA**

Consideration was not given to the need for differences in the reevaluation interval to address complex tasks or tasks infrequently performed. **NOA**

The operator supplied the OQ Inspection Team with a list that related evaluation intervals to covered tasks. The list appeared to be a generic list obtained from the consortium with adjustments made by the operator to fit the written program. The evaluation intervals varied from 6 months to five years. The Team observed that the intervals did not seem to fit the tasks, and that the operator should perform its own evaluation of intervals based on its criteria for subsequent evaluation presented on Pages 5 and 7 of its OQ Plan. **NOA**

The criteria used for selecting reevaluation intervals were extremely subjective, lacking the guidance needed for consistent application. The list of criteria might also be expanded to include a measure of the frequency and significance of changes to the procedures. Consideration should be given to qualifying individuals immediately before performing complex tasks (e.g., hot tap) that are performed very infrequently. **NOA**

The OQ Inspection Team was concerned that there was no basis for the reevaluation interval, no reevaluation criteria were developed for the covered tasks being evaluated, a board of peers conducted an oral evaluation of covered task qualifications and all other position qualifications, there was no requirement for evaluation of skills and abilities of the individual being evaluated, and the evaluation was conducted orally with no documentation other than approval signatures of board members. **NOA**

The inspection team questioned the 5-year evaluation interval for SCADA controllers, also the interval for mechanical joining (5 years) vs plastic joining (1 year). **NOA**

More frequent evaluation for covered tasks such as Tapping or Stopping needs to be reviewed. **NOA**

The plan should specifically identify which covered task reevaluation periods are more stringent than consortium recommendations. This should be line item by task. **NOA**

No minimum timeframes for reevaluation upon failure of evaluation for a covered task

were specified for performance verification or other qualification methods. **NOA**

Recommend that operator review subsequent evaluation process and interval for each covered task. **Recommendation**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(g) Identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed

Protocol 6.01 (Non-enforceable)

No findings.

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program.

Protocol 7.01

The OQ Inspection Team reviewed the qualification records for selected individuals, and found numerous instances of missing and/or incorrect records. For example, qualification tests for individuals were missing signatures of the individual or of the individual's supervisor, or were missing other pertinent information that should have been recorded on the test form before the instructor released the individual from the testing process. Several individuals had apparently completed skills evaluations for various fusion tasks, but supervision had failed to confirm by signature their qualifications. Records of qualification on some covered tasks for some individuals were missing. An instance was found where the qualification test was completed by an individual other than the one being qualified. The matrix of covered tasks was incomplete for qualification of individuals to perform tasks, especially Tasks 9 and 43. In summary, it appeared to the Team that the operator's recordkeeping was in violation of the OQ Rule requirements. **NOPV**

At the time of inspection, the operator could not provide documentation of the qualification of those individuals performing covered tasks on its offshore platforms. **NOPV**

The Team was concerned that records were not being kept up-to-date and that record retention requirements might not be met with no one being in charge of the records. **NOPV**

Qualification records for two employees that were qualified to perform covered tasks could not be found by the operator with the rest of the records. **NOPV**

There was no information on qualification records for contractor individuals performing covered tasks for the operator for some tasks. For other work, such as CP activities,

contractor qualifications had not been requested or documented by the operator. **NOPV**

The Murphy Brothers contractor records do not contain the qualification method or the name of the evaluator. **NOPV**

The Vanguard Utility Partners contractor records do not contain the method of evaluation. **NOPV**

Records showed that a contractor individual conducted a gas leak survey at the operator's refinery. The operator's OQ Administrator has not evaluated this contractor's OQ Plan, as required by the OQ program. **NOPV**

Records reviewed were deficient (missing signatures, etc.) and field verification will focus on records and performance of covered tasks. **NOPV**

At the time of the inspection, the qualifications database did not specify the evaluation method each person was qualified by to perform each covered task. **NOA**

Operator needs to address the completion of review of personnel coming to work for the operator and their qualifications. **NOA**

The operator should indicate that vendor records will be retained for the five year period. **NOA**

The record retention section states that the operator will retain records for five years. The plan should state that the records of qualification to be retained for a minimum of five years from the date the person no longer performs the covered task. **NOA**

Some records exist at the operator's HQ but are not present on ISNetworld – more research is needed to ensure qualification records on employees are properly loaded into ISN. Also, a secretary was identified as having covered tasks assigned in ISNetworld. **NOA**

Recommend reviewing the possibility of combining contractor employee records with the employee record database. **Recommendation**

Recordkeeping. §192.807 & §195.507

Each operator shall maintain records that demonstrate compliance with this subpart.

(a) Qualification records shall include:

- (1) Identification of qualified individual(s);
- (2) Identification of the covered tasks the individual is qualified to perform;
- (3) Date(s) of current qualification; and
- (4) Qualification method(s).

(b) Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

Protocol 8.01

The OQ Inspection Team found that the operator should set forth criteria for what constitutes a significant change in the OQ Plan. The operator should also reference the Management of Change SOP in the Plan. **NOA**

The operator did not address changes in plan for possible newly discovered AOCs. **NOA**

The operator expects to rely on Procedure Audits to satisfy several provisions of the Rule (e.g., assuring that changes to tools, procedures or standards are incorporated in the qualification process). No definition or form exists to describe what is involved in these procedure audits. **NOA**

No clear guidance currently exists to define how a significant change to tools procedures or standards must be to require reevaluation of qualified people prior to their continued performance of covered tasks. **NOA**

The operator's change management process seems to be a good idea, although it needs further development and integration with the OQ program. **NOA**

The operator was found to have set forth good Management of Change program requirements in Section 5.7 of the written program, but the program was lacking the specificity needed to identify who was responsible for the actions set forth in the program, i.e., who will make the changes to the OQ program, procedures, and evaluation methods, and who will ensure that communications will be made to all employees of changes made to procedures, processes, and plans. Furthermore, the MOC procedure fails to mention the OQ Program or any of its requirements. **NOA**

The operator needs to add clarifying instructions to the management of change documentation so that all individuals and departments are aware of changes and responsibilities. **NOA**

The operator should change the written program to require the Training Coordinator to notify the OQ Administrator of any changes to the OQ qualification and evaluation requirements. **NOA**

The operator stated in its written program that OQ qualification may be deferred for a maximum of 120 days for operator-formatted procedures and other documentation to be developed and put in place, after initial installation and acceptance of new equipment or systems. The inspection team informed the operator that this delay was not acceptable, since it implied that covered tasks involving the equipment/system would result in operation and maintenance by unqualified individuals. The operator should revise its written program to clarify that this will not be allowed. **NOA**

The operator should address the degree of change and when an individual must be reevaluated before performing a covered task affected by the change. **NOA**

The operator should include in the Management of Change a process to communicate to contractors changes that affect covered tasks. **NOA**

The plan needs to state the methods used to communicate changes such as TIPS. **NOA**

The sign up sheet used for the TIPS bulletin needs to be referenced in the plan. **NOA**

A time frame for communication of changes to covered tasks, to the individual performing the tasks, needs to be identified. **NOA**

The plan needs to describe how the operator will incorporate changes affecting covered tasks into the initial and subsequent evaluations. **NOA**

The method used to verify that contractor employees have received communication of changes that affect covered tasks needs to be identified. **NOA**

The written program needs to be expanded to capture all of the elements addressed in the protocol requirements. **NOA**

The Team was also concerned that there were three separate locations for OQ groups – inspection services, welding, and the OQ Program Administrator. This raises the issue of seamlessly getting information and changes to all affected parties. Security was another issue, because it was separate from the other three. It appeared much was left to the supervisor and especially to the OQ Administrator. **Recommendation**

The OQ Inspection Team observed that the operator's communications circle was not fully closed, in that there was no documentation of OQ team meetings, there was no feedback mechanism or performance measure for identifying acceptable performance in this area, and little assurance that employees received information on program changes that were sent out. **Recommendation**

The importance of the deliberations of the OQ Committee dictated that minutes be prepared that, as a minimum, documented Committee decisions, follow-up actions and responsibilities for these actions. **Recommendation**

The management of change is well thought out, but does suffer from poor definition of three key words: **low**, **medium**, and **high** impact. **Recommendation**

Qualification program. §192.805 & §195.505

Each operator shall have and follow a written qualification program. The program shall include provisions to:

- (f) Communicate changes that affect covered tasks to individuals performing those covered tasks

Inspection Follow-up Action

One or both of the approaches described below may be necessary to further explore and communicate concerns about program characteristics that need improvement and could eventually lead to formal compliance issues.

Request for Specific Information

If, following completion of an inspection, the inspector believes that further information is needed to determine whether a violation has occurred, then two courses of action are possible. If the potential violation can be investigated through field verification, then the inspector should document the concern and distribute the documentation to State and Federal inspectors for follow-up verification in the field (Protocol 9). If additional information beyond that obtainable through field verification is needed, then the inspector should work with the responsible regulatory authority to send the operator a Request for Specific Information. The Request should specify a time by which a response is needed, ranging from 45 days to six months. The Request should thoroughly describe the issue for which additional information is needed, and the nature of information to support clarification of the issue.

Examples of situations in which issuance of a Request for Specific Information is the appropriate action include:

- The operator's process/procedure for verifying the qualifications of a contractor person performing a covered task does not require use of an ID to ensure that the worker is the one whose qualifications are on record.
- The operator investigates incidents or accidents using a root cause evaluation method that will not support identification of covered tasks that may have contributed to the incident or accident.

Inspection Summary Documentation and Exit Interview

At the completion of each inspection the inspector(s) should summarize findings from the inspection. The summary of findings should be communicated verbally to the operator and should indicate possible violations as well as program characteristics that the inspector(s) believes need improvement. However, the operator should be informed that additional findings may arise from field inspection activities or from detailed reviews of inspection information following the exit. Although clear violations may not be apparent, inspectors can use the exit interview to provide insights to operators about how to improve their OQ programs, if there is a need for such insight. An example of a suggested improvement would be to recommend that an operator document a process to periodically evaluate the effectiveness of the processes it uses to ensure that individuals performing covered tasks are qualified to do so.

The inspector(s) should also provide the operator an opportunity to document program modifications or improvements that will bring the program into better compliance with OPS requirements and expectations. This documentation should be supplied to the appropriate regulatory authority within a few weeks of the close of the inspection so it can be reflected in inspection documentation.