



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 South Gessner, Suite 1110
Houston, TX 77074

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 9, 2007

Mr. Kevin Weyer
President
Dow Pipeline Company
1000 County Road 340
Angleton, TX 77515

CPF 4-2007-8001M

Dear Mr. Weyer:

On June 12-13, 2007, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Dow Pipeline Company (Dow) procedures and records for Operator Qualification and Operations and Maintenance manuals in Angleton, Texas.

On the basis of the inspections, PHMSA has identified the apparent inadequacies found within Dow's plan or procedures as described below:

1. §192.805 & §195.505 Qualification Program

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;

Dow's OQ Plan must be revised to:

A. Address acceptance criteria for qualifications of contractors performing covered tasks.

- B. Include a process for accepting and managing qualifications of individuals performing covered tasks during program integration following a merger or acquisition.
- C. Provide for effective communication with qualified non-English speaking individuals performing covered tasks.
- D. Address the pass/failure criteria when qualifying individuals to perform covered tasks when the evaluation method of performance verification is used.
- E. Clarify procedure for recordkeeping to ensure the correct subtasks that individuals may or may not be qualified to perform.

2. §192.805 & §195.505 Qualification Program

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;

Dow's OQ Plan must be revised to ensure that during an initial accident or incident investigation, determination is made whether an OQ covered task was performed.

3. §192.805 & §195.505 Qualification Program

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;

At the time of inspection, Dow did not address the communication of changes to non-company employees that could affect performance of covered tasks and require possible re-qualification. The Dow OQ Plan must be revised to address the notification of non-company employees of changes affecting the performance of covered tasks and possible re-qualification.

4. §192.805 & §195.505 Qualification Program

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;

Dow's OQ Plan must be revised to:

- A. Include or reference the DIF parameters used in the determination of evaluation intervals.
- B. Ensure the consequences established for each covered task addressed in the DIF have been correctly established.

5. §192.805 & §195.505 Qualification Program

Each operator shall have and follow a written qualification program.

The program shall include provisions to:

h) After December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities;

At the time of inspection, Dow did not address the extensive training program utilized for all personnel, including operator qualification issues. The Dow OQ Plan must be revised to reference the training program already being utilized for operator qualification. Dow must also reference the "Guest in the House" training that is required of every individual on Dow locations.

6. §192.805 & §195.505 Qualification Program

Each operator shall have and follow a written qualification program.

The program shall include provisions to:

(i) After December 16, 2004, notify the Administrator or a state agency participating under 49 U.S.C. Chapter 601 if the operator significantly modifies the program after the Administrator or state agency has verified that it complies with this section.

At the time of inspection, Dow did not address the notifications to the appropriate agencies when significant modifications are made to the OQ program. Dow's OQ Plan must be revised to address the notifications to the appropriate agencies when significant modifications are made to their OQ program.

7. §192.805 & §195.507 Recordkeeping

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).

At the time of the inspection, Dow was keeping records in operational sections other than OQ that provided additional information pertaining to qualifications of Dow personnel. Dow did not reference their existence. Dow must reference the yearly training records kept for O&M procedures, which address the OQ plan requirements.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b). If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue a Final Order.

If, after opportunity for a hearing, your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within 30 days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

In correspondence concerning this matter, please refer to **CPF 4-2007-8001M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



R. M. Seeley
Director, Southwest Region
Pipeline and Hazardous
Materials Safety Administration

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