



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St S W
Washington D C 20590

DEC 17 2003

Mr. Rod Sands
Vice President and Chief Operating Officer
Explorer Pipeline Company
P.O. Box 2650
Tulsa, OK 74101-2650

Re: CPF No. 4-2002-5005-M

Dear Mr. Sands:

Enclosed is the Order Directing Amendment issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of inadequate procedures and requires that you amend your integrity management program procedures. When the terms of the Order are completed, as determined by the Director, Southwest Region, OPS, this enforcement action will be closed. Your receipt of the Order Directing Amendment constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

for Gwendolyn M. Hill
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

In the Matter of)	
)	
Explorer Pipeline Company,)	CPF No. 4-2002-5005-M
)	
Respondent.)	

ORDER DIRECTING AMENDMENT

On January 17-18, 2002, pursuant to 49 U.S.C. § 60117, representatives of the Southwest and Eastern Regions, Office of Pipeline Safety (OPS), inspected Explorer Pipeline Company's (Respondent's) integrity management program at Respondent's facility in Tulsa, Oklahoma. As a result of the inspection, the Southwest Regional Director, OPS, issued to Respondent, by letter dated May 13, 2002, a Notice of Amendment (NOA). The NOA alleged an inadequacy in Respondent's integrity management program and proposed to require amendment of Respondent's procedures to comply with the requirements of 49 C.F.R. § 195.452(b)(2).

Respondent responded to the NOA by letter dated June 6, 2002 (Response). Respondent disagreed that its integrity management program procedures were inadequate but did not request a hearing in accordance with 49 C.F.R. § 190.209 and 49 C.F.R. § 190.211. Respondent may not indefinitely reserve its right to a hearing while awaiting satisfactory clarification on an issue, consequently Respondent waived its right to one. Respondent, in a supplemental response dated February 12, 2003 (Supplemental Response), described the actions it was taking to address the inadequacies in its procedures that were identified in the NOA, but did not submit the amended procedures for review.

The NOA cited an inadequacy in Respondent's procedures to identify pipeline segments that could affect high consequence areas (HCAs) because the procedures did not consider topographical features or elevation profiles.

In its Response, Respondent requested clarification on the procedural inadequacy identified in the NOA: "Was the [NOA] issued because Explorer had not *considered topographical features and elevation profiles* by the December 31 deadline? Or, was the [NOA] issued because OPS believes that Explorer had not *documented a plan* to consider topography and elevations by the December 31 deadline."

OPS notified Respondent of an inadequacy in its procedures because Respondent had documented an inadequate plan that did not consider topographical features and elevation profiles. At the time of the January 17-18, 2002 inspection, Respondent's procedures evidenced the fact that Respondent had not yet considered topographical features and elevation profiles when identifying segments that could affect HCAs. Furthermore, Respondent's procedures were inadequate to provide OPS' inspectors with information as to when and how topographical features and elevation profiles would be incorporated into Respondent's segment identification program.

Respondent's procedures included a plan stating that Respondent was in the process of buying a software program to perform spill volume calculations. A contractor would input the spill volume calculations into an Overland Spread Model software that would "take each of these calculated spill volumes and 'spill' the product out onto a topographic map..." (Id.). Respondent would then overlay "shapefiles" sent to it from the contractor onto its existing pipeline map and compare the segments identified using the Overland Spread Model shapefiles with those identified using the 1/2-mile buffer zone. Respondent's segment identification process documentation stated that this was an improvement to the identification process which would be used to "verify, and possibly enhance and/or replace the 1/2 mile buffer zone with an overland spread modeling..." and that "this identification process will most likely be revised to incorporate significant enhancements to the process."

Respondent's segment identification procedures did not provide procedures for identifying new segments using the Overland Spread Model shapefiles and comparison to the buffer zone method, stating only that "the shapefiles will be loaded into the appropriate state project files and overlaid on the pipeline and HCA's [sic]." Furthermore, Respondent's procedures gave no indication of when the Overland Spread Model would be developed or when overlaying of the shapefiles and comparison with the segments identified using the 1/2-mile buffer zone would take place. Due to the procedural inadequacy, OPS' inspectors were unable to verify the methodology to be used and its ability to account for topographical features and elevation profiles.

Respondent has developed maps comparing segments identified with the Overland Spread Model and segments identified with the 1/2-mile buffer, but has not revised its procedures. The development of these maps does not provide assurance that Respondent will be able to identify new segments accounting for topographical features and elevation profiles in the event that the environment surrounding its pipeline changes or that identification of new segments occurs in accordance with adequate procedures. Furthermore, without adequate procedures, OPS remains unable to verify the accuracy of Respondent's methodology.

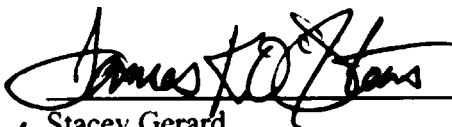
In its Supplemental Response, Respondent stated that "we did not revise our procedures – we continued implementing the improvements and enhancements that had already been documented in the December 2001 Draft Process."

Accordingly, I find that Respondent's integrity management program procedures are inadequate. Pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.237, Respondent is ordered to make the following changes to its integrity management program procedures. Respondent must -

1. Amend its procedures for identifying pipeline segments that could affect high consequence areas to include a verifiable process for implementing topographical features and elevation profiles.
2. Submit the amended procedures to the Regional Director, Southwest Region, OPS within 30 days following receipt of this Order Directing Amendment.
3. The Regional Director may extend the period for complying with the required items if the Respondent requests an extension and adequately justifies the reasons for the extension.

The terms and conditions of this Order Directing Amendment are effective upon receipt.

Failure to comply with this Order may result in the assessment of civil penalties of up to \$100,000 per violation per day, or in the referral of the case for judicial enforcement.


Stacey Gerard
Associate Administrator For Pipeline Safety

DEC 17 2003

Date Issued