



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

January 28, 2009

Mr. Richard Hatchett
Vice President,
West Texas Gas, Inc.
211 N. Colorado
Midland, TX 79701

CPF 4-2009-1002M

Dear Mr. Hatchett:

On July 15-17, 2008, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected West Texas Gas Operator Qualification Plan in Amarillo, Texas.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within West Texas Gas's plans or procedures, as described below:

1. §192.805 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;

West Texas Gas needs to formalize and further develop their current OJT process leading to the development of new employees. In addition, processes need to be developed to expand the knowledge and skill of individuals with considerable experience.

2. §192.805 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.

West Texas Gas needs to address the possibility that acquired companies may operate equipment not previously used by the operator, and for which none of their own employees or contractors may be qualified.

In addition, West Texas Gas Company needs to have a provision to ensure that management of change items are implemented within a specified completion date.

3. §192.805 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.

West Texas Gas's OQ plan needs a provision to verify that annual visual acuity tests for ASNT level II certifications are included in the documentation of qualifications.

4. §192.805 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. (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.

West Texas Gas needs to include "wholesale changes" made to an OQ plan or Program, whether due to an overall effort to improve program performance, or due to a merger or acquisition that results in incorporating the best features of the competing plans and programs as a significant change in their procedure.

West Texas Gas submitted its amended procedures to this office on September 25, 2008, prior to the delivery of this Notice to them. My staff reviewed the amended procedures, and it appears that the inadequacy outlined in this Notice of Amendment has been corrected.

This letter is to inform you no further action is necessary and this case is now closed. Thank you for your cooperation.

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 4-2009-1002M** 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*