

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 3, 2012

Mr. Robert Rose
President
Tampa Pipeline Corporation
P.O. Box 35236
Sarasota, FL 34242

CPF 2-2012-6019M

Dear Mr. Rose:

On June 11-12, 2012, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Southern Region, Office of Pipeline Safety inspected The Pipelines of Puerto Rico, Inc. (PLPR) written Public Awareness Plan at your San Juan, Puerto Rico office pursuant to Chapter 601 of 49 United States Code.

On the basis of the inspection, PHMSA has identified apparent inadequacies within PLPR's written Public Awareness Plan (PAP) written procedures, as described below:

1. §195.440 Public awareness.

(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see §195.3).

The American Petroleum Institute's Recommended Practice 1162 (API RP 1162), *Section 3 Stakeholder Audiences* states “*One of the initial tasks in developing a Public Awareness Program is to identify the audience(s) that should receive the programs messages.*” Despite this requirement, PLPR's PAP procedures did not establish a method to identify the stakeholder audiences nor did it define the various stakeholder audiences in adequate detail to assure the proper audience members were identified. Moreover, the PAP did not provide a measureable way of identifying the audience members, such as by proximity to the pipeline or by some other meaningful metric.

2. §195.440 Public awareness.

(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see §195.3).

PLPR's written PAP did not provide adequate procedures nor did it establish methods for conducting an annual audit or review to determine whether the program had been developed and implemented in accordance with *API RP 1162, Section 8.3 Measuring Program Implementation*. While the PAP stated "*The program will be evaluated annually to ensure API 1162 compliance,*" it did not provide procedures on how this would be done.

3. §195.440 Public awareness.

(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see §195.3).

API RP 1162, Section 8.4 Measuring Program Effectiveness requires a PAP program effectiveness evaluation to be conducted using the following measures:

- *Whether the information is reaching the intended stakeholder audiences*
- *If the recipient audiences are understanding the messages delivered*
- *Whether the recipients are motivated to respond appropriately in alignment with the information provided*
- *If the implementation of the Public Awareness Program is impacting bottom-line results (such as reduction in the number of incidents caused by third-party damage).*

While the PAP stated "*the program will be completely evaluated every 4 years to ensure its effectiveness,*" it did not provide procedures on how this would be done.

4. §195.440 Public awareness.

.... (g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

PLPR's written PAP did not provide for the program to be conducted in English. That is, the required public awareness educational materials were to be in Spanish only.

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.

It is requested (not mandated) that The Pipelines of Puerto Rico, Inc. maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Wayne T. Lemoi, Director, Southern Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 2-2012-6019M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

Wayne T. Lemoi
Director, Office of Pipeline Safety
PHMSA Southern Region

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