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Casper WY 82602

January 19, 2009

Ivan A Huntoon  
Director Central Region  
Pipeline and Hazardous Materials Safety Administration  
901 Locust Street, Suite 462  
Kansas City MO 64106-2641

RE: CPF 3-2008-5016M

Bridger Pipeline LLC (Bridger) has reviewed your Notice of Amendment, dated December 23, 2008 and would offer the following responses. Some of the responses are broken into separate answers in order to address individual issues noted. For clarity we have repeated the issue stated in your original letter in italics. In order not to clutter the basic conversation we have attached a document containing the sections of the Bridger Operator Qualification Plan (The Plan) referred to below in the order which they are referred to.

1. *Bridger Pipeline's Program does not identify the covered tasks of connecting threaded fittings, bending of tubing, assembling flanges, and pressurizing and depressurizing a pipeline.*
  - a. As to the first three tasks listed we are in the process of adding these tasks to The Plan. In section 2.4 of The Plan we have a very well defined process for addition of tasks and/or AOCs. At this point in time we are working on step 4 of adding these tasks and we will send you a copy of the revised Plan and revised Appendix 6 within 45 days. We would request 120 days to fully implement those components including the production of study materials, testing materials, the SME review and the actual administering of the materials to our field personnel who may be required to perform these tasks.
  - b. As to the fourth task noted we believe that our 43 series tasks adequately cover those functions as part of operating a pipeline. We have broken this task into Control Center tasks (43.1 – Operate Bridger Pipeline, Control Center) and field tasks (43.2 – Operate Bridger Pipeline, field) and believe that both address adequately the issue of pressurizing and depressurizing the pipeline.
2. *Bridger Pipeline's program does not specify the evaluation methods required for Task 10 Monitor for Internal Corrosion and 11 Perform Internal Corrosion Remediation. Bridger Pipeline's program also does not require evaluations on abnormal operating conditions for individuals qualified through NACE or technical certifications and did not require Bridger Pipeline employees to be evaluated on generic abnormal operation conditions. Bridger Pipelines Program does not state the reaction to an abnormal operating condition by a Bridger employee versus a contract individual where there are differences. Also the program*

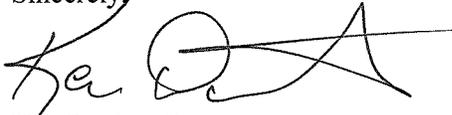
*does not state what remediation measures the contractor is responsible for when a contract individual is determined to be no longer qualified.*

- a. Regarding Evaluation Methods for task 10 and 11 these two tasks were not originally recognized as tasks that Bridger employees perform. As per the steps laid out in 2.4 of The Plan we are in the process of adding these tasks and would ask for the same timeframe consideration as discussed on the three tasks above in 1(a) for similar logistical reasons.
  - b. Task specific AOCs are addressed as part of the NACE certification process.
  - c. Generic AOCs - As per The Plan section 2.1 paragraph 5, and again in section 3.3.1 paragraph 5, generic AOCs are addressed during routine emergency response training and exercises for employees. As per the above sections and as per Section 4.2 paragraph 5, generic AOCs are addressed during Safety Orientation for contractors
  - d. Remediation when contractor's employee is determined to no longer be qualified. Contractors must provide trained and qualified employees as appropriate for the work they are performing and a contract employee who is unqualified or becomes unqualified is NOT allowed to perform covered tasks (unless observed and directed by a qualified individual) until the contractor has retrained and requalified that employee.
3. *Bridger Pipelines Program does not list the number of unqualified individuals allowed to be directed and observed by a qualified individual for Task 10 Monitor for Internal Corrosion and Task 11 Perform Internal Corrosion Remediation.*
- a. As per discussion 2(a) above we are in the process of adding these tasks to our active list and defining the span of control is a part of that process.
4. *Bridger Pipelines program does not state the maximum time interval before disqualification occurs for contract individuals if they have not performed the task(s). The program in Section 6 and Appendix 6, does not list the re-evaluation interval for all identified tasks.*
- a. The Plan in section 4.2 explains the process of ensuring that contractor employees are currently qualified to perform tasks that will be expected of them. Appendix 6 addresses the DIF analysis regarding frequency of performance, difficulty of task and importance of that task, all of which is taken into account in determining the evaluation frequency. Additionally, unlike employees who will occasionally perform a task, contractors are generally hired to perform a specific task which they specialize in. For example, our NDT contractors do NDT inspections as a full time job, not just occasionally
  - b. We believe that our section 6 and appendix six adequately list the re-evaluation interval for all identified tasks. The exceptions are those tasks where we defer to the appropriate qualifying agency (NACE) or where we qualify our employees/contractors on a job to job basis for those tasks that are rarely performed and therefore not reasonable to maintain qualifications on. An example of this would be task 33 Moving In-Service Pipe. Because we seldom, if ever, perform this task we have elected to qualify our employees each time the task is to be performed, but ONLY when the task is going to be performed. There is further discussion on this exception in Section 3.10 of The Plan.

5. *Bridger Pipeline's Program does not clarify what training will be provided for contractors at Bridger pipeline's discretion.*
  - a. Aside from the emergency response training provided during the Safety Orientation and other tailgate meetings on the job, Bridger does not provide training to contract employees. Contractors are expected to train their employees and provide Bridger with trained and qualified individuals as evidenced by the qualification records provided to Bridger as per section 4 of The Plan
6. *Bridger Pipeline's program fails to address this regulation (notification of changes)*
  - a. In section 7.4 of The Plan communication of significant changes to agencies is clearly addressed, including some guidance on what a constitutes a significant change.
7. *Bridger Pipeline's program does not clarify who is responsible for keeping and maintaining contractor operator-qualification records. Bridger Pipeline's record keeping system does not include a means for documenting individuals whose qualifications have been suspended or are no longer qualified.*
  - a. Section 4 of The Plan identifies the Project Lead is the responsible person for gathering the proof of contractors qualifications and in section 5.3 requires that those records shall be retained, by the project lead, with the project files.
  - b. In section 6.0, paragraph 8 of The Plan it clearly states that the OQ program administrator will be responsible for maintaining and filing documentation regarding an incident investigation where performance of a covered task was a contributing factor, and any subsequent re-evaluations. These records will be on file with all other OQ documentation in the Casper Office.

It is Bridger Pipelines intent to operate all of our facilities in such a way as to protect the safety of the public, environment and our employees and to do so in accordance with all applicable regulations

Sincerely,



Ken Dockweiler  
DOT Compliance Coordinator



Attachment

CC: Hank True  
Tad True  
Manuel Lojo

## ***2.4 Procedure for Adding New Covered Tasks & AOCs***

If new Covered Tasks or Abnormal Operating Conditions are identified, the OQ Program Administrator will initiate the necessary changes to OQ Program evaluation methods and materials to ensure qualification of personnel performing Covered Tasks is in accordance with this Written Program, as per the procedure below. Any changes that affect the qualification process for Covered Tasks may mean that affected individuals will have to requalify on those Covered Tasks. See also Section 7.0, Management of Change.

1. Add new Covered Task to Task Analysis manual. Explain how the task passes the four-part test (following the format of the existing Covered Tasks).
2. Add the new task to the DIF (Difficulty - Importance - Frequency) spreadsheet and perform a DIF analysis to identify requalification intervals, span of control, and whether a non-qualified person could perform the task.
3. Analyze the new Covered Task to determine how the Company will evaluate and train individuals in this task. For example, will the Company rely solely on provision of external qualifications? Or will the Company develop new evaluation materials and assess individuals internally?
4. Develop a Qualification Guide for the new Covered Task, following previous styles and formats. Plug in relevant information from DIF analysis.
5. Develop or obtain evaluation materials for the new Covered Task (exams, checklists, AOCs, etc.), as needed. Review these with Company subject-matter experts as needed to ensure they are valid and complete.
6. Distribute copies of the new Covered Task evaluations.
7. Advise affected personnel of the new Covered Task, and communicate Company expectations regarding when they should have their qualifications completed.
8. Update document revisions histories as needed.

## ***2.1 Origin & Customization of List of Covered Tasks & AOCs***

### *Paragraph 5*

Also for OQ 2, the Company separated “generic” from “task-specific” AOCs, and included some new task-specific AOCs (see Section 2.2 below). The Company considers “generic” AOCs as including leaks, fires, and explosions, which are addressed by routine emergency response training and exercises. Documentation regarding the training and qualification of personnel for generic AOCs is maintained by the Safety Coordinator.

### **3.3.1 Introduction**

Paragraph 5

For “generic” AOCs, such as fires and spills, training and qualification is addressed by mandatory, routine emergency response drills and exercises. The Company’s Safety Coordinator maintains records of emergency response training exercises. (See also the Company’s OPA 90 plan for more information on training and qualification for generic AOCs.)

## **4.2 Contractor/ Non-Employee Qualification**

Paragraph 5, in part:

Emergency response training for contractors is addressed by Bridger and Belle Fourche contractor safety orientations, which must be completed prior to onsite work.

### **3.10 Infrequently Performed Covered Tasks**

Some Covered Tasks at Bridger and Belle Fourche have never been performed, or are performed on a very infrequent basis, including:

- 40.8, Use Plugging Machines
- 33.0, Moving In-Service Pipe/ Inspect After Movement

Barring emergencies, these Covered Tasks normally require extensive planning and preparation. As part of its job planning and preparation strategy, Bridger and Belle Fourche evaluate all major pipeline repair or maintenance projects to determine (a) whether Covered Tasks are involved, and (b) how qualification issues will be addressed. Specific qualification plans will be identified and created on a case-by-case basis.

When very infrequently performed Covered Tasks must be completed, Bridger and Belle Fourche will either qualify individuals following the “simulation/ walk-through” process (Section 3.3.5), or have qualified individuals brought in from an external source to direct and observe the work. This option will typically be used when there is insufficient time to qualify Bridger or Belle Fourche staff (employees or contractors), for example, during an emergency. Qualified individuals brought in to help execute Covered Tasks may be contractors or Bridger or Belle Fourche employees. See Section 4.3 for more information on assessment of qualifications of individuals external to the Bridger and Belle Fourche qualification program.

The process below is followed if Bridger and Belle Fourche choose to qualify individuals on infrequently performed Covered Tasks. Primary responsibility for this procedure rests with the OQ Program Administrator.

- (a) Identify any training needs associated with the infrequently performed Covered Task and make arrangements to provide training as needed.
- (b) Establish proper Covered Task evaluation instruments, as per the principles described in Section 3.2 of this Written Program.
- (c) Have individuals involved in the Covered Task complete as many Covered Task evaluations as possible, such as exams and AOC written exercises, prior to task

## Attachment 1

completion. If possible, on-job practice and performance may be simulated in a shop or other suitable environment.

- (d) Ensure an experienced individual such as a Project Lead oversees task execution via onsite and direct observation of individuals performing Covered Tasks.

Due to the unique nature of these Covered Tasks, there may be no requalification interval specified in the Bridger and Belle Fourche Written Program. Instead, qualification on these tasks is completed just prior to and during performance of the Covered Task.

### **7.4 Significant Change to OQ Program**

If the Company makes a significant change to its OQ program, the OQ Program Administrator will submit written details of those changes to the inspecting agencies (OPS Region or State Agency) who have previously verified that the Company's OQ program is in compliance with §195.505. Significant changes could include (but are not necessarily limited to) the following:

- A change in the number of covered tasks identified by the operator
- A change in the evaluation methods or criteria for performing covered tasks
- A change which increases the number of non-qualified individuals that may perform a covered task while being directed and observed by a qualified individual.

### **4.2 Contractor/ Non-Employee Qualification**

Contractors must be qualified prior to independent performance of Covered Tasks for Bridger and Belle Fourche. Acceptable qualification methods for Covered Tasks are identified in the DIF Analysis sheet (Appendix 6).

Contractors/ non-employees must provide documented proof of qualification from one of the following.

- An approved, external training and qualification agency. See Section 4.3 for details.
- Certification from a professional organization (such as API or NACE).

For all planned work, the Project Lead is responsible to ensure that contractors independently performing Covered Tasks provide acceptable proof of qualification prior to field work. If a Project Lead is unsure of the acceptability of the qualification records provided by a contractor, the Project Lead is responsible to check with the OQ Program Administrator and resolve concerns prior to field execution. In most cases, a qualified Company employee will oversee Covered Task performance by a contractor, even if the contractor is OQ qualified.

### **5.3 Management of Contractor Qualification Records**

Paragraph 1

For planned projects involving contractors and Covered Tasks, the Project Lead is responsible to ensure that contractor qualification records are maintained with the project files.

**6.1 *Determining Whether an Individual's Performance of a Covered Task Contributed to an Accident***

Paragraph 8

The OQ Program Administrator is responsible to maintain and file documentation resulting from analysis of accidents and any individual's requalifications.