

## NOTICE OF AMENDMENT

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 14, 2012

Mr. Wesley Christensen  
Senior Vice President of Operations  
ONEOK Partners, LLC  
100 West 5<sup>th</sup> Street  
Tulsa, Oklahoma 74103-4298

**CPF 3-2012-5021M**

Dear Mr. Christensen:

On October 11, 2011, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected ONEOK Partners, LLC's (ONEOK's) procedures for Public Awareness Program Effectiveness in Tulsa, Oklahoma.

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

**1. § 195.402 Procedural manual for operations, maintenance, and emergencies.**

**(c) *Maintenance and normal operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations**

**(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or carbon dioxide pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication.**

ONEOK's procedures are inadequate because they do not delineate a process to ensure effective liaison with emergency responders, including the sharing of capabilities and its emergency response plan.

**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).**

ONEOK's procedures are inadequate because section 7.1 of its Public Awareness Plan does not identify the individual public awareness coordinators by name and by title and the plan does not include an executive signature on the statement of management support.

ONEOK's procedures are inadequate because section 8.1 of its Public Awareness Plan does not clearly define the process for identifying the emergency responder stakeholder audience.

ONEOK's procedures are inadequate because its Public Awareness Plan does not define when an additional buffer is necessary for identifying each stakeholder audience.

**3. § 195.440 Public Awareness**

**(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.**

ONEOK's procedures are inadequate because its Public Awareness Plan does not include a process for developing new individual stakeholder audience brochures or making changes to the brochures that specifies when and how the pretesting of changes, including the use of focus groups, will be conducted.

ONEOK's procedures are inadequate because its Public Awareness Plan does not include a process to ensure that each area of the system is conducting an annual supplemental review consistent with other areas and the Public Awareness Plan does not require an annual review of the supplemental requirements.

ONEOK's procedures are inadequate because its Public Awareness Plan does not include a process which defines and outlines the review to ensure that it includes all information reviewed by both headquarters and field personnel and that ensures the review steps are repeatable.

4. § 195.440 Public Awareness

**(d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:**

**(5) Procedures to report such an event.**

ONEOK's procedures are inadequate because its Affected Public Brochure does not ask the public to report an emergency to the pipeline operator, only to call 911, and the information provided in the brochure for emergencies does not match what is actually performed by control center personnel when answering the emergency number.

5. § 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.**

ONEOK's procedures are inadequate because its Public Awareness Plan does not delineate a process to determine when an alternate language becomes necessary.

6. § 195.440 Public Awareness

**(i) The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies.**

ONEOK's procedures are inadequate because its Public Awareness Plan does not include a process for identifying and tracking the necessary changes to the plan based on findings from the annual implementation review.

ONEOK's procedures are inadequate because its Public Awareness Plan does not detail the information being reviewed and analyzed for the effectiveness evaluation and does not include an adequate and repeatable process for measuring program outreach by individual stakeholder audience, measuring percentage of stakeholders reached by individual stakeholder audience, measuring the understandability of message content by individual stakeholder audience, and measuring the desired stakeholder behavior by individual stakeholder audience.

ONEOK's procedures are inadequate because its Public Awareness Plan does not include the process being used by ONEOK for tracking near misses, hits and failures.

ONEOK's procedures are inadequate because its Public Awareness Plan does not include a process for identifying and tracking the necessary changes to the plan based on findings from the effectiveness evaluation.

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 [number of days] 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 ONEOK maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to David Barrett, Director, Central Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 3-2012-5021M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,

David Barrett  
Director, Central Region  
Pipeline and Hazardous Materials Safety Administration

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