



May 28, 2013

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

Reference: CPF 3-2013-1004M

Dear Mr. Barrett,

We have received your letter dated April 16, 2013 regarding the inspection on October 29, 2012.

Your letter listed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The following is a list of the identified inadequacies and KPC Pipeline's (KPC) responses:

1. 49 CFR 192.616 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.

KPC's PAP is inadequate because written procedures do not formalize how the process will be periodically conducted to evaluate the program's implementation and effectiveness. For example, the evaluations that have been completed are not consistent.

KPC Response: Section 9.8 of KPC's Public Awareness Program manual addresses evaluations. According to this section, KPC will conduct a self-assessment evaluation annually and a program effectiveness evaluation no more than 4 years apart. A copy of Section 9.8, the most recent Annual Evaluation and a copy of the Program Effectiveness Review are located as **Attachment A**.

KPC's PAP is inadequate because the written procedure does not address the sample size and margin-of-error of its affected stakeholder audiences.

KPC Response: KPC's Public Awareness Program did calculate the margin-of-error, these numbers can be found in the Paradigm Effectiveness Document in **Attachment A**; however, the process was not included in the Public Awareness Program manual. The margin-of-error is now included in Section 9.13 of the Public Awareness Program manual in the description of Measure 1. The revised Section 9.13 can be found as **Attachment B**.

KPC's PAP is inadequate because the written procedure does not designate which activities are used as baseline or supplemental.

KPC Response: Section 6.5 of KPC's Public Awareness Program manual has been revised to include the specific baseline message type. Additional activities that could be considered as supplemental activities are listed in Section 9.14 of the Public Awareness Program Manual. Both sections are included in this response as **Attachment C**.

KPC's PAP is inadequate because the written procedure does not address conducting the annual implementation audits and evaluation audits in their entirety.

KPC Response: Section 9.13 of KPC's Public Awareness Program manual addresses annual implementation of audits and is included in this response as **Attachment B**. The first paragraph of this section addresses the need for an annual audit and the purpose of this audit. The first table in Section 9.13 lists the three different methodologies to use when conducting the annual program implementation audit.

KPC's PAP is inadequate because it does not make the distinction between annual implementation audits, and the four "4" year effectiveness evaluation interval.

KPC Response: Section 9.13 of the KPC Public Awareness Program manual addresses measuring program implementation and effectiveness. The first paragraph and the first table in Section 9.13 discuss the annual implementation audit. The following tables in Section 9.13 are specifically for the Effectiveness Evaluation. The frequency of each is located in the table in Section 9.8 and also in the specific areas in Section 9.13. These sections can be found in **Attachment D**.

KPC's PAP is inadequate because the written procedure or plan does not require documenting the actual date(s) of the evaluation.

KPC Response: Section 9.8 of the KPC Public Awareness Program manual has been revised to include a statement to document the evaluations on Form 10.1. This revision can be found in **Attachment E**.

KPC's PAP is inadequate because the effectiveness evaluation procedure does not exclusively address the operator's pipeline system. For example, a telephone survey conducted in 2011 included individuals that were not part of KPC's PAP outreach.

KPC Response: KPC utilizes a third-party contractor to collect data for effectiveness measurement. The measurement is specific to KPC pipelines. A brief write-up from Paradigm is included as **Attachment K**.

KPC's PAP is inadequate because the written procedures do not require the summarization and documentation of the results, resources and implementation activities.

KPC Response: Section 9.8 of the KPC Public Awareness Program manual has been revised to include a statement to summarize the evaluations and keep in the KPC Public Awareness records. This revision can be found in **Attachment E**.

KPC's PAP is inadequate because written procedures do not require the determination and summarization of the percentage of stakeholder audiences that understood and retained the PAP message.

KPC Response: As mentioned above, Section 9.8 of the KPC Public Awareness Program manual has been revised to include a statement to summarize the evaluations and keep in the KPC Public Awareness records. In Section 9.13 of the KPC Public Awareness Program manual, Measure 2 of the Effectiveness Evaluation takes into consideration the percentage of the stakeholder audience that understood and retained the Public Awareness Program message. The KPC Public Awareness Effectiveness Evaluation can be found in **Attachment A**.

KPC's PAP is inadequate because written procedures do not require determination and summarization of the bottom-line results of its program.

KPC Response: As mentioned above, Section 9.8 of the KPC Public Awareness Program manual has been revised to include a statement to summarize the evaluations and keep in the KPC Public Awareness records. In Section 9.13 of the KPC Public Awareness Program manual, Measure 4 of the Effectiveness Evaluation takes into consideration the percentage of the stakeholder audience that understood and retained the Public Awareness Program message. The KPC Public Awareness Effectiveness Evaluation can be found in **Attachment A**.

KPC's PAP is inadequate because written procedures do not require the determination and summarization of program changes based on the results of the effectiveness evaluation audit.

KPC Response: As mentioned above, Section 9.8 of the KPC Public Awareness Program manual has been revised to include a statement to summarize the evaluations and keep in the KPC Public Awareness records. The KPC Public Awareness Evaluation includes a determination of any program changes that would be deemed necessary as a result of the effectiveness evaluation. The KPC Public Awareness Effectiveness Evaluation can be found in **Attachment A**.

2. 49 CFR 192.616 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:

- (1) Use of one-call notification system prior to excavation and other damage prevention activities;
- (2) Possible hazards associated with unintended releases from a gas pipeline facility;
- (3) Physical indications that such a release may have occurred;
- (4) Steps that should be taken for public safety in the event of a gas pipeline release; and
- (5) Procedures for reporting such an event.

KPC's PAP is inadequate because written procedures do not address a method to identify stakeholder audience.

KPC Response: The process used by KPC's third-party vendor to identify the stakeholder audiences is located in Appendix 3 of the KPC Public Awareness Program manual. A reference to Appendix 3 has been added to Section 5.2 of the KPC Public Awareness Program manual. Section 5.2 and Appendix 3 can be found in **Attachment F**.

KPC's PAP is inadequate because the written procedures do not reference the PAP's appendix where the SIC codes used to help identify stakeholder audiences are listed.

KPC Response: The SIC used by KPC's third-party vendor is located in Appendix 2 of the KPC Public Awareness Program manual. A reference to Appendix 2 has been added to Section 5.2 of the KPC Public Awareness Program manual. Section 5.2 and Appendix 2 can be found in **Attachment G**.

3. 49 CFR 192.616 Public Awareness

(f) The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas.

KPC's PAP is inadequate because the written procedure does not adequately define the combination of messages to comprehensively reach all affected stakeholder audiences in all areas in which the operator transports gas. Schools and Farmer audiences were not addressed in the written plan.

KPC Response: Table 1 in Section 5.3 in the KPC Public Awareness Program includes farmers and schools in the definitions of stakeholders. Section 5.3 can be found in **Attachment H**.

KPC's PAP is inadequate because written procedures do not address the methods used to communicate the baseline and supplemental messages.

KPC Response: Section 6.5 in the KPC Public Awareness Program shows the baseline method used to communicate the Public Awareness message. Section 9.14 of the Public Awareness Program manuals lists the different supplemental methods of delivery. Both Section 6.5 and 9.14 can be found in **Attachment I**.

4. 49 CFR 192.616 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.

KPC's PAP is inadequate because written procedures do not address criteria for determining what language(s) must be utilized to deliver the PAP message.

KPC Response: Section 6.2 in the KPC Public Awareness Program manual has been revised to include a statement defining "significant portion". Section 6.2 and Appendix 1 referenced in Section 6.2 can be found in **Attachment J**.

May 28, 2013

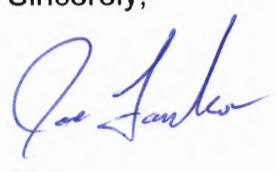
David Barrett

Page 6

It is toward KPC Pipeline, LLC's continuing commitment to operate in a manner that not only complies with Federal regulations, but ensures the safety of all operating personnel and affected population that we appreciate this opportunity to address the items brought forth in your letter. Should specific items provided to evidence our compliance, or proposed time frame to achieve compliance be found not sufficient, please advise so that we may remedy the issue as soon as possible.

If you should have any questions or require additional information please feel free to contact me at 913-764-6015.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Fowler", is enclosed in a light gray rectangular box.

Joe Fowler
KPC Pipeline, LLC