

## NOTICE OF AMENDMENT

### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

June 28, 2013

Mr. Steve Pankhurst  
Business Unit Leader  
BP Pipeline (North America) Inc.  
150 West Warrenville Road  
Naperville, Illinois 60563

**CPF 3-2013-5019M**

Dear Mr. Pankhurst:

On April 5 - 6, 2011, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the BP Pipeline (North America) Inc. (BP) procedures and effectiveness evaluation for Public Awareness and Damage Prevention in Naperville, Illinois.

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

**1. § 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.**

BP's procedures are inadequate for the following reasons:

- Its Public Awareness Plan does not have an adequate process to detail the information being reviewed and analyzed on an annual basis. BP must document the results of the annual implementation and effectiveness evaluation meetings. This summary should include the results of any surveys or other evaluation methods performed throughout the previous year, how and why these surveys and evaluation tools were performed, other public awareness and damage prevention activities, and any action items or changes to the BP Public Awareness/Damage Prevention program. The annual summaries must be available for periodic review by the appropriate regulatory agencies.
- BP's Public Awareness Plan does not have an adequate process to evaluate and determine an adequate sample size for each stakeholder audience and does not have a process to include multiple data sources in effectiveness evaluation.

**2. § 195.440 Public awareness.**

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

BP's procedures are inadequate for the following reasons:

- The Public Awareness Plan does not detail the information being reviewed and analyzed for the effectiveness evaluation review.
- The procedures do not measure the percentage of stakeholders reached within the targeted audience.
- The procedures do not adequately measure the intended learned behavior by the stakeholder.
- BP's Public Awareness Plan does not include the process being used by BP for tracking near misses, hits and failures and does not adequately track other bottom line results.
- BP's procedures are inadequate because its Public Awareness Plan does not have a process defined that identifies changes, tracks changes and tracks the progress based on the findings of 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 30 days of receipt of this Notice. This period may be extended by written request for good cause.

In correspondence concerning this matter, please refer to **CPF 3-2013-5019M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Since the Public Awareness Program Inspection, BP Pipeline (North America) has submitted revised procedures to resolve the inspection issues. PHMSA Central Region personnel have reviewed the revised procedures and determined that the revisions satisfy the deficiencies identified in all of the above items. Therefore, no further action is required and this enforcement action is considered closed.

Sincerely,

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

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