

## NOTICE OF AMENDMENT

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 24, 2013

Mr. Gary Koegeboehn  
Vice President, Pipeline Operations  
NuStar Pipeline Operating Partnership L.P.  
2330 North Loop 1604 West  
San Antonio, Texas 78248

**CPF 3-2013-5023M**

Dear Mr. Koegeboehn:

On November 7 – 9, 2011 representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected the NuStar Pipeline Operating Partnership L.P. (NuStar) Public Awareness Program in San Antonio, Texas.

On the basis of the inspection, PHMSA has identified apparent inadequacies found within NuStar's 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.**

NuStar procedures are inadequate because they do not include provisions for responding to inquiries for additional information on the pipeline from the various audiences. The documentation reviewed indicated that various audience members were interested in receiving more information about the pipeline, but there was no defined process for providing the requested information back to the interested party.

NuStar's procedures are inadequate because the process for conducting annual reviews did not include the time frames for completing the various aspects of the review, a requirement that the plan itself be reviewed, and a methodology for tracking supplemental activities.

NuStar's procedures are inadequate because they do not include provisions to ensure NuStar personnel regularly attend the outreach meetings provided at selected locations throughout its system. Ongoing liaison with emergency response personnel is essential, especially when transporting products, such as anhydrous ammonia, that may not be commonly associated with pipelines.

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 NuStar 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 3-2013-5023M** 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*