

Ogletree Deakins

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

One Allen Center
500 Dallas Street, Suite 3000
Houston, TX 77002
Telephone: 713.655.0855
Facsimile: 713.655.0020
www.ogletree.com

Michael D. Mitchell
713.655.5756
michael.mitchell@ogletree.com

October 3, 2018

Via Email and Federal Express

Mr. Allan Beshore
Director, Central Region, OPS
Pipeline and Hazardous Materials Safety Administration (PHMSA)
901 Locust Street, Suite 462
Kansas City, Missouri 64106

Mr. Harold Winnie
Project Manager, Central Region
Pipeline and Hazardous Materials Safety Administration (PHMSA)
901 Locust Street, Suite 462
Kansas City, Missouri 64106

RE: Notice of Amendment
Hawthorn Oil Transportation
CPF 3-2018-6003M

Dear Mr. Beshore and Mr. Winnie:

This letter contains the responses and comments of Hawthorn Oil Transportation (Hawthorn) which address the apparent inadequacies cited in the Notice of Amendment received on September 6, 2018. Based on the information contained herein and the materials being presented, Hawthorn respectfully requests that the Administration find that Hawthorn has complied with the Notice and that no further action is necessary. Hawthorn's responses, comments and notice of contest are as follows:

Apparent Inadequacy #1 – 49 CFR 195.402 (e)(2) Procedural manual for operations, maintenance, and emergencies

Response: Hawthorn amended the emergency procedures section in its Operation and Maintenance (OM) Manual to more specifically address responses for fire, explosion and operational failure. See attached OM Manual Section 4 (Emergency Procedures) Revision 11 (5/25/17), as well as a copy of the entire OM Manual dated 9/20/18. (The revision log, which notes the 5/25/17 change, begins on page 111.) If the Administration believes that the current language is still somehow insufficient, Hawthorn would welcome specific feedback from the Administration on what additional language it would like to see added.

Apparent Inadequacy #2 – 49 CFR 195.402 (c)(3) Procedural manual for operations, maintenance, and emergencies

Response: Hawthorn appreciates the Administration acknowledging that the amended procedure submitted on April 20, 2017 satisfactorily addressed any issue and the item is now closed.

CONCLUSION

In conclusion, and based on the foregoing, Hawthorn respectfully requests that the Administration consider this information and the enclosed documents and find that Hawthorn has sufficiently addressed any inadequacies and is in compliance with the regulations cited based on the amendments made to its OM Manual and the amended procedure that it submitted on April 20, 2017.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Mitchell". The signature is written in a cursive style with a large, stylized initial "M".

Michael D. Mitchell

MDM/kk
Enclosures via Federal Express only