

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 26, 2014

Mr. Doyle Dommert
General Manager
CITGO
1293 Eldridge Parkway
Houston, TX 77077

CPF 4-2014-5003M

Dear Mr. Dommert:

On December 12-13, 2013, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), pursuant to Chapter 601 of 49 United States Code, inspected CITGO procedures and records for their anti-drug and alcohol misuse plans in Houston, Texas.

As a result of the inspection, PHMSA has identified inadequacies found within CITGO's anti-drug and alcohol misuse plan procedures as described below:

- 1. §199.101 Anti-drug plan.**
 - (a) Each operator shall maintain and follow a written anti-drug plan that conforms to the requirements of this part and the DOT Procedures. The plan must contain—**
 - (1) Methods and procedures for compliance with all the requirements of this part, including the employee assistance program.**

The CITGO anti-drug plan was reviewed by the PHMSA and there are some non-DOT procedures and policies that are indistinguishable from those required by DOT/PHMSA. Within the anti-drug plan, references are made to standards, policies or procedures that can be easily confused as DOT/PHMSA requirements. Therefore, there should be a clearer distinction between DOT/PHMSA and non-DOT company requirements.

CITGO's Human Resources Department is solely responsible for assuring pre-employment consent forms are acquired from perspective covered employees. They are also responsible for carrying-out and documenting background checks by either receiving a background confirmation from the covered employee's previous employer(s), or documenting "a good faith effort to obtain this information." This is not clear in the current procedures. Overall, CITGO's anti-drug plan must detail the methods and procedures used to ensure that "covered employees," as defined by §199.3, comply with all of the requirements of 49 CFR Part 199.

2. §199.202 Alcohol misuse plan.

Each operator must maintain and follow a written alcohol misuse plan that conforms to the requirements of this part and DOT Procedures concerning alcohol testing programs. The plan shall contain methods and procedures for compliance with all the requirements of this subpart, including required testing, recordkeeping, reporting, education, and training elements.

The CITGO alcohol misuse plan was reviewed by the PHMSA and there are some non-DOT procedures and policies that are indistinguishable from those required by DOT/PHMSA. Within the alcohol misuse plan, references are made to standards, policies or procedures that can be easily confused as DOT/PHMSA requirements. Therefore, there should be a clearer distinction between DOT/PHMSA and non-DOT company requirements.

CITGO's Human Resources Department is solely responsible for assuring pre-employment consent forms are acquired from perspective covered employees. They are also responsible for carrying-out and documenting background checks by either receiving a background confirmation from the covered employee's previous employer(s), or documenting "a good faith effort to obtain this information." This is not clear in the current procedures. Overall, CITGO's alcohol misuse plan must detail the methods and procedures used to ensure that "covered employees," as defined by §199.3, comply with all of the requirements of 49 CFR Part 199.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 CFR § 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 CFR § 190.237). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within thirty (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 CITGO maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to R. M. Seeley, Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration,

In correspondence concerning this matter, please refer to **CPF 4-2014-5003M** and send all documents to our office at 8701 S. Gessner Road, Suite 1110, Houston, TX 77074, and for each document you submit please provide a copy in electronic format whenever possible.

Sincerely,

R. M. Seeley
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

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

cc: PHP-2 Stanley Kastanas (#145179)