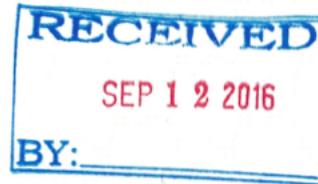


MIDCONTINENT EXPRESS PIPELINE LLC

September 9, 2016

Rodrick M. Seeley
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration
8701 South Gessner, Suite 630
Houston, TX 77074



RE: CPF 4-2016-1009; Midcontinent Express Pipeline LLC; Notice of Probable Violation

Dear Mr. Seeley,

On August 22, 2016, Midcontinent Express Pipeline (MEP) received from your office a Notice of Probable Violation (NOPV). As explained in detail in our meeting with Mary McDaniel and Charles Onwuachi on September 7, 2016, because the NOPV is factually incorrect and because MEP did maintain records and documents supporting decisions regarding identified potential threats for the written integrity assessment plan, MEP respectfully requests PHMSA withdraw the citation.

The NOPV incorrectly alleges that MEP failed to maintain records and documentation supporting decisions regarding the identification of potential threats for the written integrity assessment plan. Specifically, the NOPV alleges that MEP failed to document why the threats of incorrect operation and equipment failure were originally excluded from the integrity assessment plan and then again failed to document the decision to include the two threats in the integrity assessment plan during a 2012 review. The allegation is incorrect.

MEP was constructed and placed into service in 2009. In 2009, MEP performed the initial risk analysis using the Pyramid software and risk algorithm. This analysis indicated a score of zero and no threat for both incorrect operations and equipment failure. For documentation, please see Attachment 1 and refer to the ninth column of the table which indicates the risk score.

In 2012, MEP switched the risk analysis tool and utilized the Dynamic Risk RiskAnalyst software and updated risk algorithm to calculate threats. This software indicated a score of 0.8059 out of 10 for Incorrect Operations, so this threat was included in the integrity assessment plan for MEP. For documentation, please see Attachment 2 and refer to the second to last column which indicates the risk score.

Also in 2012, MEP made the conservative decision to include the threat of equipment failure for each high consequence area (HCA). MEP made this decision because MEP's processes and procedures addressed the threat, whether it was present or not. The decision to include the threat is documented in an e-mail dated 12/17/2012, included as Attachment 3. The process by which MEP addresses the threat of equipment failure is detailed in a "white paper" that was incorporated into the Integrity Management Program in June 2012, included as Attachment 4.

It is also important to note that effective March 1, 2016, the Integrity Management Program was revised to facilitate consistent implementation. These revisions formalized, standardized, and provided additional details to processes already being performed. The process by which MEP documents

decisions pertaining to the Integrity Management Program is clearly presented and the revisions were reviewed with appropriate MEP personnel as part of the rewrite process. The process by which decisions regarding identified potential threats for the written integrity assessment plan are documented is covered in IMP Section 5 – Threat Identification, Data Integration, and Risk Assessment and IMP Section 10 – Management of Change, attached as Attachment 5 and Attachment 6 respectively. Since these revisions substantially affect the integrity management program's implementation, Kinder Morgan notified the Office of Pipeline Safety, in accordance with 49 CFR Part 192.949, of the change on March 10, 2016.

MEP believes the documentation presented above clearly demonstrates that proper records were maintained supporting the decision to initially exclude the threats of incorrect operations and equipment failure from the assessment plan, and then the decision to later add these threats in 2012. Further, MEP substantially revised the integrity management program such that the process by which these decisions are documented is now clearly presented. Even though the NOPV does not include a penalty, MEP is inclined to appeal the NOPV if it must to clarify the record. However, given that documentation supporting MEP's decisions regarding identified potential threats for the written integrity assessment plan is available, MEP hopes that we can reach a resolution of this matter without the need for a hearing that will take company and agency time and resources. As such, MEP reiterates its respectful request for PHMSA to withdraw this Notice of Probable Violation prior to September 16, 2016. Otherwise, MEP will be forced to file a request for hearing.

Should you have any questions or would like additional information, please contact Reji George at 713-420-5433.

Regards,

A handwritten signature in blue ink that reads "Thomas A. Reed for Gary Buchler".

Gary Buchler
Chief Operating Officer

KINDER MORGAN

CC: Mary McDaniel
Operations Supervisor, Southwest Region
Pipeline and Hazardous Materials Safety Administration
8701 South Gessner, Suite 630
Houston, TX 77074