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February 6, 2019

Chris Hoidal
Acting Director, Western Region
Pipeline & Hazardous Materials Safety Administration
12300 W. Dakota Ave., Suite 110
Lakewood, CO 80228

Re: CPF 5-2019-6001M

Dear Mr. Hoidal:

Devon is in receipt of your Notice of Amendment dated January 10, 2019 for the above referenced Case. Devon respectfully contests the 3 alleged inadequacies listed and offers the following responses and information to support our position for each item of the Notice, identified in bold.

1. § 195.505 Qualification Program

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(a) ...

(b) Ensure through evaluation that individuals performing covered tasks are qualified; ...

Devon's OQ Program had inadequate qualification methods used to ensure that the individuals performing covered tasks remained qualified to perform those tasks. The program did not differentiate between methods used for initial qualification versus methods used for re-qualification.

Also, Devon's OQ Program did not specify standards for testing or performance evaluations. The evaluation methods did not provide adequate criteria for evaluators to use to objectively verify individual employees' knowledge, skills, and abilities. For example, Devon's methods for conducting testing did not ensure that qualified employees demonstrated knowledge of its operations and maintenance procedures.

Devon's Response: Section 5 of Devon's OQ Program provides procedures for its qualification process. Evaluation methods for initial and re-qualification are the same, so there is no differentiation necessary in the plan. If a qualified individual fails a re-evaluation, that individual is immediately deemed unqualified (see Inadequacy #3 for more specific details). The entire Section 6 is included below, with key items addressing qualification methods underlined.

5 Qualification Process

To perform a covered task, individuals shall be required to demonstrate their ability to perform the covered task, including recognition of any associated AOCs. This section describes the process established by Devon to determine an individual's ability to perform a covered task.

The knowledge and skill to perform a covered task can be obtained through structured training courses, apprenticeship, assisting qualified persons, experience in a similar task, computer based training and on-the-job training.

Once an employee obtains the knowledge and skills required to perform a covered task, the employee and/or Supervisor in charge of Pipeline Operations can then request an evaluation.

Employee qualification shall include an evaluation of the individual's ability to recognize and react to AOCs associated with the covered tasks as defined in DEC O&M Procedures for Abnormal Operating Conditions;195.402(d) & 192.605(c).

5.1 Overview of Evaluation / Qualification Process

All evaluations related to this written program shall be conducted in accordance with Veriforce Operator Qualification Personnel Evaluation Policies and Procedures, referenced hereta in Appendix 6.

Those procedures shall govern all activities related to:

- Evaluator Authorization
- Evaluation of Personnel
- Training
- Program Quality Management
- Documentation and Record Keeping
- Management of Change

Work Performance History Review (WPHR) is not an acceptable method of evaluation. At no time will WPHR be allowed as an acceptable method of evaluation for any task from the Common Covered Task List (CCTL).

All evaluations must be conducted by an Authorized Evaluator. The Authorized Evaluator must strictly follow evaluation criteria defined by the Company (as referenced in Appendix 5). For the purpose of evaluating a Candidate's ability to recognize and respond appropriately to an AOC, the evaluator shall, to the extent practical, require the Candidate to describe the AOC and appropriate response in the context of the covered task being performed, the location where it will be performed, and according to Company procedures and requirements.

Also, Devon has incorporated Veriforce's Covered Task Evaluation Criteria, referenced in Appendix 5 of the Program, to ensure each evaluator objectively verifies an individual's knowledge, skills, and abilities for each Covered Task for both initial and subsequent re-qualifications. Appendix 5 of Devon's OQ Program and example Evaluation Criteria Form for CT 007 – Operate Valves, is included as attachments. Note the 1st line item on the Evaluation Criteria form requires the evaluator to evaluate the individual's

knowledge of “operator-approved procedures” (i.e. Devon’s applicable O&M procedures) as part of the evaluation process.

2. § 195.505 Qualification Program

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(a) ...

(c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified; ...

Devon's written OQ Program did not have an adequate procedure to safely allow non-qualified individuals to be directed by a qualified individual, that adequately addressed key factors for span of control such as physical distance and communication barriers including noise levels and language comprehension.

Devon's Response: Section 7 of Devon's OQ Program includes adequate procedures to safely allow non-qualified individuals to be directed by a qualified individual. More specifically, key factors for span of control are addressed in sections 7.1 and 7.3 of the Devon OQ Program. Excerpts of Section 7 are included below, with applicable items underlined.

7 Non-Qualified Individuals

Individuals who are not qualified to perform a task may perform a task if under the direct supervision of a qualified individual. Direct supervision includes the ability to clearly observe the non-qualified individual's activities and to take immediate corrective actions when necessary.

Qualified individuals should be used whenever possible.

Appendix 1 refers to those covered tasks which may be performed by a non-qualified person under the direction and observation of a qualified individual.

7.1 Span of Control

Where allowed, a span of control limit has been established which sets forth the maximum number of non-qualified persons that may be directed and observed by a qualified individual. The qualified person directing and observing the non-qualified person must be able to intervene to either prevent or react to an AOC.

- *Span of Control ratio can be found in the Evaluation Criteria document for each covered task listed in Appendix 5*
- *Company field personnel shall monitor performance of covered tasks at the job site to ensure that span of control limits are enforced.*
- *Company field personnel may make span of control limits more restrictive in cases where safety, environmental, or other site-specific conditions exist that may affect safety of personnel and/or facilities.*

Appropriateness and effectiveness of established span of control limits shall be evaluated as part of the Company's quality assurance and program evaluation efforts.

7.3 Span of Control Stipulations

Where a qualified individual is directing and observing non-qualified individuals under span of control situations, the Company will ensure the following:

- No language barriers exist that would preclude the qualified person from communicating with non-qualified personnel.
- Qualified personnel remain in a position where they can direct and observe the performance of the covered task at all times and intervene, if situation dictates.
- The qualified individual is only allowed to direct and observe the performance of one covered task at a time.

Physical proximity of the qualified individual to the non-qualified individual is addressed in that “Qualified personnel must remain in a position where they can direct and observe the performance of the covered task at all times and intervene, if situation dictates”. The procedures require that the qualified individual be close enough to the individual performing the covered task to “directly supervise” performance of the covered task, with “direct supervision” defined in Section 7 as “the ability to clearly observe the non-qualified individual’s activities and to take immediate corrective actions when necessary”.

Additionally, while language addressing “noise levels and language comprehension” is not specifically included in the Program, these factors are understood to be included in the first bullet point under 7.3 “No language barriers exist that would preclude the qualified person from communicating with non-qualified personnel.” Barriers are intended to include any noise, language comprehension, etc. that could limit or prevent communication between the qualified individual and the individual being observed.

For reference, the entire Section 7 of the Devon OQ Program is included as an attachment.

3. § 195.505 Qualification Program

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(a) ...

(g) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified; ...

Devon’s written OQ Program did not have a process or procedure to establish and justify re-evaluation intervals. The operator uses an across-the board application of extended reevaluation intervals with no documented justification or basis for that time interval. Specifically, Devon’s OQ Program did not consider the complexity of the task, the critical nature of the task, or the frequency of task performance (DIF analysis) when establishing re-evaluation intervals. Devon’s Program did not identify a minimum time-frame for re-evaluation upon failure of evaluation for a covered task, nor did it establish how many times an individual would be allowed to attempt the requalification process before the qualification is revoked.

Devon's Response: The statement that Devon "uses an across-the board application of extended reevaluation intervals" is incorrect. While the maximum re-evaluation interval is 3 years for many common covered tasks (CTs), more complex or critical tasks have shorter re-evaluation intervals from 1-2 years. For example, CT 110 – "Pipeline Expansion External Measurement" has a 2-year re-evaluation qualification interval, CT 208 – Plastic Pipe Joining: Butt Fusion has a 1-year requalification interval and CT 330 – Installation of Plastic Pipe in a Ditch has a 3-year requalification interval. These intervals are all based on task complexity, critical nature, and frequency of performance. This process is also documented in Section 6.1 of Devon's OQ Program:

6.1 Overview

Devon must take appropriate steps to ensure the continuing qualification of individuals who perform or direct or observe covered tasks. Following an individual's initial qualification, requalification is required at intervals appropriate to the complexity and consequence of the covered task. This interval can be found in the Evaluation Criteria document for each covered task listed in Appendix 5.

In developing Devon's covered task list and evaluation program, the Devon Pipeline Governance Committee (PGC) reviewed and adopted Veriforce's Common Covered Task List (CCTL) and associated requalification intervals. CCTL and associated evaluation criteria were created by comparing and reconciling the existing covered task lists and criteria each client Operator had developed/adopted individually. This effort took place over a period of several months in 2003. SMEs utilized data from their respective individual plans to decide on evaluation method, evaluation criteria, span of control, and requalification intervals for each of the common covered tasks. Veriforce also established and facilitates the CCTL Steering Committee which reviews the adequacy of the CCTL (and underlying task evaluation criteria) on an ongoing basis, as well as potential changes to the CCTL based on stakeholder feedback, regulatory changes, etc. The CCTL steering committee also makes recommendations to the larger group of Operators who have adopted the CCTL. The PGC considered this process within its overall evaluation of the Veriforce program, favoring a process that included input and experiences from multiple pipeline operators across the county. In addition, Devon's PGC includes the appropriateness/effectiveness of task-specific span of control limits during its annual program evaluation. See underlined portions of Section 9 of Devon's OQ Program on the following page.

9 Program Evaluation

The Company shall encourage all program participants to communicate difficulties encountered and ideas for program improvement whenever possible.

The program shall be reviewed every fifteen months, but at least once each calendar year. The annual review will include each of the following:

- *Compliance with the written program*
- *Adequacy/currency of the written program*
- *Adequacy/currency of the covered task list*
- *Adequacy/currency of task-specific evaluation criteria*
- *Appropriateness of task-specific re-qualification intervals*
- *Appropriateness/effectiveness of task-specific span of control limits*

- *Compliance with regulatory and other external requirements*
- *Issues/challenges discovered as a result of Quality Assurance efforts*
- *Other Issues/challenges encountered to date*
- *Proposed program improvements/enhancements*
- *Program performance related to the OQ rule and DOT/OPS enforcement-related activities*
- *Other issues.*

With regards to “identifying a minimum time-frame for re-evaluation upon failure of evaluation for a covered task or establishing how many times an individual would be allowed to attempt the requalification process before the qualification is revoked”, Devon’s evaluation process specifically states that an individual is deemed “unqualified” in the event of an unsuccessful evaluation. Under Devon’s OQ Program, failure of an initial evaluation or re-evaluation is treated the same. Per paragraph 6.10.3 of Veriforce Policies and Procedures Manual, incorporated by reference in Appendix 6 of Devon’s OQ Program”

6.10 Post Evaluation Activities

6.10.1 ...

6.10.3 *If unsuccessful, the Candidate will be deemed unqualified and the evaluation will be deemed a failure.*

In addition, Section 8 of Devon’s OQ program requires training for any individual failing any evaluation prior to any subsequent evaluation attempts. This training must be verified and documented prior to reevaluation. See underlined parts of Section 8 of Devon’s OQ Program below:

8.1 Training Conditions

Prior to conducting an evaluation, the authorized evaluator shall be responsible for determining whether certain conditions exist indicating that training is required. This shall be documented on the Record of Evaluation. As related to this written program, and in accordance with Veriforce procedures as referenced in Appendix 6, training shall be required in the following instances:

- *Candidate has been disqualified since last being evaluated. This shall apply to the specific covered task(s) for which the Candidate is to be evaluated.*
- *Candidate was not successfully evaluated when most recently evaluated for the covered task(s) in question.*
- *A “High Impact” change related to the covered task(s) in question has been initiated since the Candidate was last evaluated/qualified.*

The Company will provide necessary training to Company employees through any number of means and/or sources, as deemed most appropriate on a case-by-case basis.

Although training may be required, the Company will not directly provide OQ-related training to external personnel such as contractors, subcontractors, or other individuals not employed by the Company.

Mr. Chris Hoidal
CPF 5-2019-6001M
February 6, 2019
Page 7 of 7

Section 8, Training and Appendix 6 of Devon's OQ Program and Sections 6.10 and 10.1 of the Veriforce Operator Qualification Policies and Procedures Manual are included as attachments.

Devon appreciates the opportunity to provide clarification and supporting information to address these alleged inadequacies in its program. Feel free to contact me at 405.228.2474 with any questions or if you need additional information.

Sincerely,



Marty Summers
EHS Manager

Attachments:

- Devon OQ Program Appendix 5
- Evaluation Criteria CT-007 – Operate Valves
- Devon OQ Program Section 7, Non-Qualified Individuals
- Devon OQ Program Section 8, Training
- Devon OQ Program Appendix 6
- Veriforce OQ Policies and Procedures Manual Section 6.10
- Veriforce OQ Policies and Procedures Manual Section 10.1