

**VIA E-Mail**

July 23, 2021

Mr. Dustin B. Hubbard  
Director, Western Region  
Office of Pipeline Safety  
Pipeline and Hazardous Materials Safety Administration  
12300 W. Dakota Ave., Suite 110  
Lakewood, CO 80228

**Re: Navajo Nation Oil & Gas Company  
CPF No. 5-2021-034-NOA  
Response to Notice of Amendment**

Dear Mr. Hubbard:

Pursuant to 49 C.F.R. § 190.206, the Navajo Nation Oil & Gas Company (NNOGC) provides this written response to the Notice of Amendment dated June 24, 2021 in CPF No. 5-2021-034-NOA. The NOA indicated that during a recent inspection, PHMSA identified apparent inadequacies in NNOGC's Anti-Drug Plan and Alcohol Misuse Plan.

NNOGC is not contesting the NOA and has amended its Anti-Drug Plan and Alcohol Misuse Plan. Consistent with the response options identified in the NOA, please find NNOGC's amended Anti-Drug Plan and Alcohol Misuse Plan attached for your review.

Please contact me at (505) 599-6060 if you have any questions about the attached status report.

Sincerely,



Joseph P. Robertson, P.E.  
Vice President-Running Horse Pipeline

Cc: Erin D. Hendrixson, Sr. Attorney Advisor (*via email at [erin.hendrixson@dot.gov](mailto:erin.hendrixson@dot.gov)*)  
James McClure, President Navajo Nation oil and Gas Company

**ITEM 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;**
- (2) The name and address of each laboratory that analyzes the specimens collected for drug testing;**
- (3) The name and address of the operator's Medical Review Officer, and Substance Abuse Professional;**

**PHMSA Finding:** The NNGOC Anti-Drug Plan (version 2) does not contain the names and addresses of the Substance Abuse Professional, Medical Review Officer, and each laboratory that analyzes the specimens collected for drug testing. The plan is essentially a generic recitation and paraphrase of Parts 40 and 199, unclear on the roles of the Designated Employer Representative (DER) versus service agents, and incorrect on the classification of covered employees. Moreover, the plan was not maintained to reflect all the amendments to Parts 40 and 199.

**NNOGC Response:** In response to the findings listed above, NNOGC conducted a comprehensive regulatory review to ensure that its written program was updated to reflect the latest updates from 49 CFR 40 and 199. Numerous sections of the DATP have been updated for final review. Specifically, NNOGC updated the roles and responsibilities of the DER and the service agents to clearly state the specific requirements for each. NNOGC also updated the covered employee definition to ensure compliance with 49 CFR 199. The updated DATP lists the names and addresses of the Substance Abuse Professional, the Medical Review Officer, and the approved laboratories. As part of these updates, NNOGC is also implementing a regulatory review and formal approval process for all contractor programs and procedures associated with these regulations. NNOGC plans to supplement the DATP with additional educational material and more detailed training requirements for employees and contractor personnel.

**ITEM 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.**

**PHMSA Finding:** The NNGOC Alcohol Misuse Plan (version 2) is essentially a generic recitation and paraphrase of the PHMSA and DOT alcohol testing regulations, unclear on

the roles of the DER versus service agents, and incorrect on the classification of covered employees. Moreover, the plan was not maintained to reflect all the amendments to Parts 40 and 199.

**NNOGC Response:** In response to the findings listed above, NNOGC conducted a comprehensive regulatory review to ensure that its written program was updated to reflect the latest updates from 49 CFR 40 and 199. Numerous sections of the DATP have been updated for final review. Specifically, NNOGC updated the roles and responsibilities of the DER and the service agents to clearly state the specific requirements for each. As part of these updates, NNOGC is also implementing a regulatory review and formal approval process for all contractor programs and procedures associated with these regulations.