



Tricia Dietrich Petty
Executive Director – Health & Safety

June 7, 2023

By Electronic Mail

Mr. Bryan Jeffery Lethcoe
Director, Southwest Region
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
8701 S. Gessner, Suite 630
Houston, Texas 77074

Re: NuStar Pipeline Operating Partnership L.P.
Warning Letter
CPF No. 4-2023-021-WL

Dear Mr. Lethcoe:

On behalf of NuStar Pipeline Operating Partnership L.P. (NuStar or the Company), this letter is to acknowledge receipt of the above-referenced Warning Letter issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA or the Agency) on April 3, 2023.¹

The Warning Letter alleges five (5) probable violations of the federal pipeline safety regulations associated with the control room requirements of 49 C.F.R. Part 195 and identified in an inspection that occurred in late 2020 and early 2021. While the Warning Letter does not require a response, NuStar, in the spirit of cooperation and without admission, accepts the allegations in the Warning Letter subject to the additional context set forth below.

NuStar is committed to safely operating its pipeline system in compliance with the federal pipeline safety regulations, including those related to control room management. As noted in the Warning Letter, the Company took a number of steps promptly after the inspection that addressed and remediated most of the Warning Letter's alleged probable violations. Indeed, the Warning Letter states that with respect to Finding nos. 1, 2 and 5, "PHMSA finds that [NuStar's] corrective actions resolved the identified issues."

With further respect to Finding no. 1, in addition to the actions noted in the Warning Letter, NuStar implemented the following measures: additional procedures for the electronic review of inhibited alarms, the consolidation of multiple plans into one control room management program, and enhancement of the electronic log process.

¹ Due to an issue with the electronic transmission of the Warning Letter, NuStar did not constructively receive the Letter until May 16, 2023, at which point the Company expediently started drafting and submitting this response.

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With respect to Finding no. 2, please note that some of the information in the Warning Letter is factually incorrect: the Alamosa Pump Station's inclusion on Console 1 and the station's lack of related status documentation in 2017, the log information included in the program regarding shift change-over now includes additional guidance for controllers as they transition from shift to shift. This information is documented electronically to provide additional clarity of each event and the items reviewed in the shift change-over.

With respect to Finding no. 3, please be advised that NuStar maintains comprehensive training for controllers that includes fatigue mitigation. This training is supplemented throughout the year with newsletters, additional health and safety training, and access to our LifeWorks program, which provides support for the mental, financial, physical and emotional wellbeing and is available to all employees at any time.

With respect to Finding no. 5, NuStar improved the training for the entire organization, which now includes documenting supplemental activities outside the formal annual requirement. Team training also occurs throughout the year for every controller. Further, though not documented formally in the team training paperwork at the time of the inspection, NuStar now documents and is therefore able to identify additional team training events with electronic logs for inspection purposes.

To conclude, the Warning Letter finds that Finding Nos. 1, 2 and 4 are resolved. In NuStar's view, for the reasons set forth above, the issues identified in Finding Nos. 3 and 5 are also resolved. We trust PHMSA agrees.

NuStar appreciates the opportunity to respond to the Warning Letter and provide additional information. Please let me know if you have any questions or would like to discuss further.

Sincerely,



Tricia Dietrich Petty
Executive Director – Health & Safety