

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 20, 1996

Mr. Mike Maslyn
Vice President of Administration
ANR Pipeline Company
500 Renaissance Center Tower
Detroit, Michigan 48243

CPF No. 36107M

Dear Mr. Maslyn:

On August 18-19, 1995, a representative of the Central Region, Office of Pipeline Safety and a representative of the Michigan PSC, pursuant to Chapter 601 of 49 United States Code, conducted a Headquarters Drug and Alcohol Inspection of ANR Pipeline Company (ANR) at Detroit, Michigan.

As a result of the inspection, it appears that you have committed probable violations, as noted below, of pipeline safety regulations.

1. § 199.7 Anti-drug Plan.

§ 199.7 requires that the written anti-drug plan contain the methods and procedures for compliance with all the requirements set out in 49 C.F.R. Part 199 and 49 C.F.R. Part 40, including the employee assistance program, and procedures for notifying employees of the coverage and provisions of the plan.

ANR's required anti-drug plan procedures were inadequate in the following areas:

- A) Under § 199.17(c), ANR's anti-drug plan should include that if the employee requests retesting by a second laboratory, the original lab must follow approved custody transfer procedures.
- B) Under § 199.23(a)(2), ANR's anti-drug plan currently includes age as documented information for those employees who fail a drug test. The age of an employee is no longer required. ANR could include age as a company policy as long as the word, age, is highlighted in some manner to indicate that this is not a DOT requirement.
- C) Under § 40.25(e)(2)(ii), ANR's anti-drug plan must include that the last urine specimen provided by the employee must have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.
- D) Under § 40.25(a) and 40.25(f)(15), ANR's anti-drug plan

must include that adulterated specimens should be forwarded to the NIDA Lab for analysis.

2. § 199.202 Alcohol misuse plan.

Each operator shall maintain and follow a written alcohol misuse plan that conforms to the requirements of this subpart and the DOT procedures in Part 40 of this subtitle. The plan shall contain methods and procedures for compliance with all the requirements of this subpart, including required testing, record keeping, reporting, education and training elements.

ANR's required alcohol misuse plan procedures were inadequate in the following areas:

- A) Under § 199.205, ANR's alcohol plan should include the definition of alcohol.
- B) Under § 199.225(a)(3), ANR's alcohol plan requires amendment to provide provisions for a covered employee to leave the scene of an accident to obtain assistance rather than stating that just a driver can leave as currently written in the plan.
- C) Under § 199.225(d)(2), ANR's alcohol plan should state that follow-up tests should be conducted just before, while, and after performing covered functions rather than without prior notice as currently stated.
- D) Under § 199.227(b)(1), 199.229, and 40.83(b), ANR's alcohol plan should include documentation on "missed tests" and this information should be included in the annual MIS reports.
- E) Under § 199.231(e) and 40.81(f), ANR's alcohol plan should specify release of records to the NTSB.
- F) Under § 40.65(f), ANR's alcohol plan should include that if the screening and confirmation test results are not identical, the confirmation test is the final result.
- G) Under § 40.69(d)/40.105(a), regarding procedures to be followed if an employee is unable to provide an adequate amount of breath for testing. ANR's procedures require that if a donor is unable to provide an adequate breath sample, a manual collection using an evidential breath testing device (EBT) should be obtained. It may be more appropriate to refer those employee's, who are unable to provide an adequate amount of breath, to a licensed physician, who is acceptable to ANR, concerning the employee's medical inability to provide an adequate amount of breath.

When it is found that an operator's procedures are inadequate, 49 C.F.R. § 190.237 provides that the operator, after notice and opportunity for hearing may be required to amend its plans and procedures. This letter serves to provide you with notice of the inadequate procedures and the response options as prescribed

under § 190.237. The operator is allowed thirty (30) days after receipt of such notice to submit written comments or request a hearing. After considering the material presented, the Office of Pipeline Safety is required to notify the operator of the required amendment or withdraw the notice proposing the amendment. If you do not desire to contest the notice, please provide the revised procedures within thirty (30) days of receipt of this notice.

Sincerely,

Ivan A. Huntoon
Director, Central Region
Office of Pipeline Safety