

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 30, 1996

Mr. R. Scott Vandyke
President and CEO
Explorer Pipeline Company
6846 South Canton
Tulsa, Oklahoma 74136

CPF No. 36519M

Dear Mr. Vandyke:

On June 24-27, 1996, representatives of the Central Region, Office of Pipeline Safety, pursuant to Chapter 601 of 49 United States Code, conducted an onsite inspection of Explorer Pipeline Company at Tulsa, Oklahoma.

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.

Explorer's drug plan does not specify DOT "Initial test cut off levels" or "Confirmatory test cut off levels" per 40.29(e)(1) and 40.29(f)(1) respectively.

Explorer's drug plan does not address that the laboratory will retain the split specimen in frozen storage for 60 days. Following the end of the 60 days, if not informed by the MRO that the employee has requested a test of the split specimen, the laboratory may discard the split specimen per 40.29(b)(2).

Explorer's drug plan does not state that if the employee has not contacted the MRO within 72 hours, after receiving notice of a confirmed positive test, the employee may present to the MRO information documenting the circumstances which prevented the employee from contacting the MRO in a timely manner. If the MRO concludes that there is a legitimate explanation, the MRO shall direct that the analysis of the split specimen be performed per 40.33(g).

2. § 199.25 Reporting of anti-drug testing results.

§ 199.25(a) requires that each larger operator submit an annual management information system (MIS) report to RSPA of it's anti-drug testing results in the form and manner prescribed by the Administrator, not later than March 15 of each year for the prior calendar year.

Explorer's drug plan does not state the date for submission of the MIS report per 199.25(a).

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 forty-five (45) 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 forty-five (45) days of receipt of this notice.

Sincerely,

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