

DEC 03 2009

Mr. Jeryl Mohn
Vice President
Sea Robin Pipeline Company, LLC
5444 Westheimer Road
Houston, TX 77056-5306

Re: CPF No. 4-2007-2004

Dear Mr. Mohn:

Enclosed is the Final Order issued in the above-referenced case. It withdraws the allegations of violation. This case is now closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Mr. R.M. Seeley, Director, Southwest Region, PHMSA

CERTIFIED MAIL – RETURN RECEIPT REQUESTED [7005 0390 0005 6162 5180]

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

_____)	
In the Matter of)	
)	
Sea Robin Pipeline Company, LLC,)	CPF No. 4-2007-2004
)	
Respondent.)	
_____)	

FINAL ORDER

From October 31 to November 3, 2006, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of Sea Robin Pipeline Company (Sea Robin or Respondent) in Erath, Louisiana. Respondent operates an offshore natural gas pipeline system in the Gulf of Mexico.

As a result of the inspection, the Director, Southwest Region, OPS (Director), issued to Respondent, by letter dated August 9, 2007, a Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. §§ 192.612(a) and 192.727(g) and proposed assessing a civil penalty of \$37,000 for the alleged violations. The Notice also proposed ordering Respondent to take certain measures to correct the alleged violations.

Sea Robin responded to the Notice by letter dated September 6, 2007 (Response). Respondent contested all of the allegations and requested a hearing. A hearing was held on April 23, 2008, in Houston, Texas, with an attorney from the PHMSA Office of Chief Counsel presiding. Respondent was represented by counsel at the hearing. After the hearing, Respondent provided additional information on May 29, 2008.

WITHDRAWAL OF ALLEGATIONS

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 192.612(a), which states:

§ 192.612 Underwater inspection and reburial of pipelines in the Gulf of Mexico and its inlets.

(a) Each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet

(4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005.

The Notice alleged that Respondent failed to comply with 49 C.F.R. § 192.612(a) by failing to follow its procedure to identify pipelines in the Gulf of Mexico that were at risk of being an exposed underwater pipeline or a hazard to navigation. Specifically, it alleged that Sea Robin failed to justify a change in its schedule for inspection of its underwater pipelines. Respondent had developed an inspection schedule pursuant to its written procedure under § 192.612(a) but had allegedly delayed the inspection by one year without justification. In its Response and at the hearing, Sea Robin contested this allegation on the basis that it had not altered its schedule in the manner alleged, and submitted credible information showing that it had actually moved up the scheduled inspection by one year. It appears that the allegation of a one-year delay was based upon the misreading of a date on a document of poor copy quality.

Based on the foregoing, I order that this Item in the Notice be withdrawn.

Item 2: The Notice alleged that Respondent violated 49 C.F.R. § 192.727(g), which, at the time of the Notice, stated:¹

§ 192.727 Abandonment or deactivation of facilities.

(a) ...

(g) For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through a commercially navigable waterway, the last operator of that facility must file a report upon abandonment of that facility.

(1) The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the NPMS “Standards for Pipeline and Liquefied Natural Gas Operator Submissions.” To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at www.npms.rspa.dot.gov or contact the NPMS National Repository at 703–317–3073. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator’s knowledge, all of the reasonably available information requested was provided and, to the best of the operator’s knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax or e-mail to the Information Officer, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366–4566; e-mail,

¹ After the inspection 49 C.F.R. § 192.727 was amended to update the contact information for PHMSA.

roger.little@dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

The Notice alleged that Respondent violated 49 C.F.R. § 192.727(g) by failing to submit offshore pipeline abandonment reports to PHMSA in accordance with the regulation. Specifically, the Notice alleged that at the time of the inspection Respondent had failed to submit reports for its Line 709-6 10-inch Eugene Island 260 to 262 pipeline and Line 702-5 8-inch South Marsh Island 27 pipeline. In its Response and at the hearing, Sea Robin contested this allegation on the basis that it had submitted such reports to PHMSA, and the company submitted credible information in support of its position, including dated documents showing that it had submitted the information before the inspection.

Based on the foregoing, I order that this Item in the Notice be withdrawn.

On the basis of my withdrawal of both Items in the Notice, I order that the associated proposed civil penalties and proposed compliance order also be withdrawn.

The terms and conditions of this Final Order shall be effective on receipt. This enforcement matter is now closed.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued