



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 28 2005

Mr. David Jones
Vice President, Eastern Operations
Tennessee Gas Pipeline Company
an affiliate of El Paso Corporation
P.O. Box 2511
Houston, TX 77001

RE: CPF No. 2-2005-1005

Dear Mr. Jones:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It makes a finding of violation and assesses a civil penalty of \$15,000. I acknowledge receipt of, and accept payment dated April 18, 2005 in the amount of \$15,000 as payment in full of the civil penalty assessed against Tennessee Gas Pipeline Company in the Final Order. This case is now closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds
Pipeline Compliance Registry
Office of Pipeline Safety

Enclosure

cc: Ms. Linda Daugherty, Director, OPS Southern Region

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RECEIVED DEC 01 2005

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

In the Matter of

Tennessee Gas Pipeline Company,

An Affiliate of El Paso Corporation

Respondent.

CPF No. 2-2005-1005

FINAL ORDER

Between May 10, 2004 and November 4, 2004, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS), Southern Region conducted an on-site pipeline safety inspection of Respondent's facilities in Mississippi, Alabama, and Kentucky and reviewed records at the Heidelberg, Mississippi; Columbus, Mississippi; Catlettsburg, Kentucky; Clay City, Kentucky and Campbellsville, Kentucky offices. As a result of the inspection, the Director, Southern Region, OPS, issued to Respondent, by letter dated March 8, 2005, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had committed violations of 49 C.F.R. Part 192 and proposed assessing a civil penalty of \$15,000 for the alleged violations.

Respondent responded to the Notice by letter dated April 15, 2004 (Response). Respondent did not contest the allegation of violation, but offered information to explain the allegations and provided information concerning the corrective actions it has taken. Respondent did not request a hearing, and therefore has waived the right to one.

FINDINGS OF VIOLATION

Uncontested

Respondent did not contest the alleged violation of §192.739(a) in the Notice. Accordingly, I find that Respondent violated 49 C.F.R. Part 192, as more fully described in the Notice:

49 C.F.R. §192.739(a)—failure to inspect and test each pressure limiting station, relief device, and pressure regulating, and pressure regulating station and its equipment at intervals not exceeding 15 months, but at least once each calendar year. Respondent failed to demonstrate that pressure limiting and relief devices were being inspected and tested at fifteen supplier delivery locations in the Heidelberg, Mississippi area and at fourteen locations in Columbus, Mississippi.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

ASSESSMENT OF PENALTY

Under 49 U.S.C. § 60122, Respondent is subject to a civil penalty not to exceed \$100,000 per violation for each day of the violation up to a maximum of \$1,000,000 for any related series of violations. The Notice proposed a \$15,000 civil penalty for violation of 49 C.F.R. § 192.739(a).

49 U.S.C. § 60122 and 49 C.F.R. § 190.225 require that, in determining the amount of the civil penalty, I consider the following criteria: nature, circumstances, and gravity of the violation, degree of Respondent's culpability, history of Respondent's prior offenses, Respondent's ability to pay the penalty, good faith by Respondent in attempting to achieve compliance, the effect on Respondent's ability to continue in business, and such other matters as justice may require.

The Notice proposed a civil penalty of \$15,000, as Respondent failed to inspect and test each pressure limiting station and relief device at fifteen supplier delivery locations in the Heidelberg, Mississippi area and at fourteen locations in Columbus, Mississippi, at intervals not exceeding 15 months, but at least once each calendar year, as required by 49 C.F.R. §192.739(a). Respondent did not contest the allegation of violation. Accordingly, having reviewed the record and considered the assessment criteria, I assess Respondent a civil penalty of \$15,000, already paid by the Respondent for violation.

WARNING ITEMS

The Notice did not propose a civil penalty or compliance action for Items 1, 3, and 4 in the Notice; therefore, these are considered warning items. Respondent is warned that if it does not take appropriate action to correct these items, enforcement action will be taken if a subsequent inspection reveals a violation.

The terms and conditions of this Final Order are effective on receipt.

for

Stacey Gerard
Associate Administrator
for Pipeline Safety

NOV 28 2005

Date Issued