



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

April 02, 2026

VIA ELECTRONIC MAIL TO: mitch.samuelian@nrgenergy.com

Mr. Mitchell Samuelian
General Manager
NRG Energy Services
100302 Yates Well Rd.
Nipton, CA 92364

Re: CPF No. 5-2024-026-NOPV

Dear Mr. Samuelian:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and specifies actions that need to be taken by NRG Energy Services to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Western Region, this enforcement action will be closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 CFR § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Linda Daugherty
Acting Associate Administrator
for Pipeline Safety

Enclosure

cc: Dustin Hubbard, Director, Western Region, Office of Pipeline Safety, PHMSA
Nicholas Volturno, Ivanpah General Manager, NRG Energy Services LLC,
nicholas.volturno@nrg.com

CONFIRMATION OF RECEIPT REQUESTED

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

	)	
In the Matter of	)	
	)	
NRG Energy Services,	)	CPF No. 5-2024-026-NOPV
	)	
Respondent.	)	
	)	

FINAL ORDER

On October 12, 2023, 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 NRG Energy Services' (NRG or Respondent) Ivanpah fuel gas line, which supplies fuel gas to the Ivanpah Solar Power Facility in Nipton, California.

As a result of the inspection, the Director, Western Region, OPS (Director), issued to Respondent, by letter dated December 10, 2024, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 CFR § 190.207, the Notice proposed finding that NRG had committed five violations of 49 CFR Parts 191 and 192 and proposed ordering Respondent to take certain measures to correct the alleged violations. The Notice also included an additional six warning items pursuant to 49 CFR § 190.205, which warned Respondent to correct the probable violations or face possible future enforcement action.

After requesting and receiving an extension of time to respond, NRG responded to the Notice by letter dated February 4, 2025 (Response). NRG contested all the allegations and offered additional information in response to the Notice. Respondent did not request a hearing and therefore has waived its right to one.

FINDINGS OF VIOLATION

The Notice alleged that Respondent violated 49 CFR Parts 191 and 192, as follows:

Item 2: The Notice alleged that Respondent violated 49 CFR § 191.29(a)(1), which states:

§ 191.29 National Pipeline Mapping System

(a) Each operator of a gas transmission pipeline or liquefied natural gas facility must provide the following geospatial data to PHMSA for that pipeline or facility:

(1) Geospatial data, attributes, metadata and transmittal letter appropriate for use in the National Pipeline Mapping System. Acceptable formats and additional information are specified in the NPMS Operator Standards Manual available at *www.npms.phmsa.dot.gov* or by contacting the PHMSA Geographic Information Systems Manager at (202) 366-4595.

(2)

(b) The information required in paragraph (a) of this section must be submitted each year, on or before March 15, representing assets as of December 31 of the previous year. If no changes have occurred since the previous year's submission, the operator must comply with the guidance provided in the NPMS Operator Standards manual available at *www.npms.phmsa.dot.gov* or contact the PHMSA Geographic Information Systems Manager at (202) 366-4595.

The Notice alleged that Respondent violated 49 CFR § 191.29(a)(1) by failing to provide accurate geospatial data to PHMSA appropriate for the use of the National Pipeline Mapping System (NPMS) since commissioning of the Ivanpah pipeline system in 2014. Specifically, the Notice alleged that NRG submitted data that contained inaccuracies regarding the location of the pipeline's diameter change.

In its Response, NRG stated that it filed a supplemental submittal to NPMS correcting the discrepancies described in the Notice on July 22, 2024.

In a recommendation for final action submitted pursuant to section 190.209(b)(7), Western Region acknowledged the submission of the information but stated that it had not yet been loaded into NPMS and the display remained inaccurate.

Although Respondent has submitted corrections of the information to NPMS, Respondent did not dispute the Notice's allegation that it had failed to comply with section 191.29(a)(1) prior to its supplemental submission on July 22, 2024, after the inspection during which the noncompliance was discovered. In addition, because Respondent did not provide in its Response a copy of the corrected NPMS data itself, it is not possible to ascertain whether the submitted data satisfies the requirements of the PCO for this Item.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 191.29(a)(1) by failing to provide accurate geospatial data to PHMSA appropriate for the use of the National Pipeline Mapping System (NPMS).

Item 8: The Notice alleged that Respondent violated 49 CFR § 192.615(b)(2), which states:

§ 192.615 Emergency plans

- (a)
- (b) Each operator shall:
 - (1)
 - (2) **Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.**

The Notice alleged that Respondent violated 49 CFR § 192.615(b)(2) by failing to train emergency response personnel, as required. Specifically, the Notice alleged that NRG failed to provide any documentation of training for emergency response personnel after the Emergency Tabletop Drill on August 15, 2017.

In its Response, NRG provided documentation of drills performed in 2019, 2022, and 2024, and stated that it will ensure that drills are conducted with applicable personnel on an annual basis.

In a recommendation for final action submitted pursuant to section 190.209(b)(7), Western Region stated that the documentation provided did not demonstrate compliance with the regulation. Western Region stated that the documentation for the drills conducted in 2019, 2022, and 2024 did not contain a list of individuals who participated in the drill, and the documentation for the drill conducted in 2019 did not include any information in the “Drill Evaluation Checklist” besides the evaluator’s name and the prior date of the training.

Section 192.615(b)(2) requires that operators provide training to “appropriate operating personnel.” The documentation provided in its Response does not establish that Respondent provided training to “appropriate operating personnel,” and therefore does not establish its compliance with the regulation.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 192.615(b)(2) by failing to train emergency response personnel, as required.

Item 9: The Notice alleged that Respondent violated 49 CFR § 192.615(c), which states:

§ 192.615 Emergency plans

- (a)
- (c) **Each operator must establish and maintain liaison with the appropriate public safety answering point (i.e., 9-1-1 emergency call center) where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, as well as fire, police, and other public officials, to:**

The Notice alleged that Respondent violated 49 CFR § 192.615(c) by failing to establish and maintain a liaison with appropriate fire, police, public officials, and utility owners, as required. Specifically, the Notice alleged that NRG failed to produce any records of communications, meetings, drills, or any other type of liaison with appropriate emergency responders within the past five years.

In its Response, NRG stated that it provided a liaison packet by mail to local emergency responders in August 2024, that it was scheduling an in-person meeting with the local fire department, and that it would follow up with PHMSA when the meeting took place.

In a recommendation for final action submitted pursuant to section 190.209(b)(7), Western Region recommended finding Respondent in violation of section 192.615(c) but not including the PCO for Item 9 because Respondent had completed the proposed remedial actions.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 192.615(c) by failing to establish and maintain a liaison with appropriate fire, police, public officials, and utility owners, as required.

Item 10: The Notice alleged that Respondent violated 49 CFR § 192.616(d), which states:

§ 192.616 Public awareness

(a)

(d) The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on:

(1) Use of a one-call notification system prior to excavation and other damage prevention activities;

(2) Possible hazards associated with unintended releases from a gas pipeline facility;

(3) Physical indications that such a release may have occurred;

(4) Steps that should be taken for public safety in the event of a gas pipeline release; and

(5) Procedures for reporting such an event.

The Notice alleged that Respondent violated 49 CFR § 192.616(d) by failing to educate the public, appropriate government organizations, and persons engaged in excavation activities, in multiple instances, as required. Specifically, the Notice alleged that Respondent failed to specify to emergency responders the type of equipment required to respond to a fire and failed to clearly educate the public about the Ivanpah pipeline.

In its Response, NRG stated that it had revised its public awareness mailer to correct grammatical errors, to insert language indicating that the gas was odorized, and to eliminate confusing information on how to extinguish a fire.

In a recommendation for final action submitted pursuant to section 190.209(b)(7), Western Region recommended finding Respondent in violation of section 192.616(d) but not including the PCO for Item 10 because Respondent had completed the proposed remedial actions.

Accordingly, after considering all of the evidence, I find that Respondent violated 49 CFR § 192.616(d) by failing to educate the public, appropriate government organizations, and persons engaged in excavation activities, in multiple instances, as required.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

WITHDRAWAL OF ALLEGATION

The Notice alleged that Respondent violated 49 CFR Part 192, as follows:

Item 7: The Notice alleged that Respondent violated 49 CFR § 192.605(a), which states:

§ 192.605 Procedural manual for operations, maintenance, and emergencies.

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

The Notice alleged that Respondent violated 49 CFR § 192.605(a) by failing to conduct annual reviews of its emergency response procedures at intervals not exceeding 15 months, as required. Specifically, the Notice alleged that NRG had failed to review its control room procedures regarding emergency response on an annual basis in 2019, 2020, 2022, and 2023.

In its Response, NRG stated that it reviews its emergency procedures semi-annually and provided records demonstrating that it had performed reviews for each of the last five years.

In a recommendation for final action submitted pursuant to section 190.209(b)(7), the Director recommended withdrawing the alleged violation of section 192.605(a).

Based upon the foregoing, I hereby order that Item 7 be withdrawn.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Items 2, 7, 8, 9, and 10 in the Notice for violations of 49 CFR §§ 191.29(a)(1), 192.605(a), 192.615(b)(2), 192.615(c), and 192.616(d), respectively. Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. As discussed above, Item 7 has been withdrawn. Therefore, the compliance terms proposed in the Notice for that Item are not included in this Order. The Director

has indicated that Respondent has taken the following actions to address some of the cited violations:

1. With respect to the violation of section 192.615(c) (**Item 9**), Respondent provided documentation that it provided a liaison packet by mail to local emergency responders in August 2024, that it was scheduling an in-person meeting with the local fire department, and that it would follow up with PHMSA when the meeting took place.
2. With respect to the violation of section 192.616(d) (**Item 10**), Respondent provided documentation of its revised mailers for its public awareness program.

Accordingly, I find that compliance has been achieved with respect to these violations. Therefore, the compliance terms proposed in the Notice for Items 9 and 10 are not included in this Order.

As for the remaining compliance terms, pursuant to the authority of 49 U.S.C. § 60118(b) and 49 CFR § 190.217, Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. With respect to the violation of section 191.29(a)(1) (**Item 2**), Respondent must resubmit its 2024 NPMS geospatial data to accurately reflect the Ivanpah fuel gas transmission pipeline system within 180 days of receipt of the Final Order and submit documentation demonstrating that this action was completed to the Western Region Director.
2. With respect to the violation of section 192.615(b)(2) (**Item 8**), Respondent must demonstrate emergency response personnel are knowledgeable regarding emergency procedures as well as provide documentation verifying the training was effective within 90 days of receipt of the Final Order. Submit documentation demonstrating that these actions were completed to the Western Region Director.

The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension.

PHMSA requests that Respondent maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director. It is requested that these costs be reported in two categories: (1) total cost associated with preparation/revision of plans, procedures, studies and analyses; and (2) total cost associated with replacements, additions and other changes to pipeline infrastructure.

Failure to comply with this Order may result in administrative assessment of civil penalties exceeding \$200,000, as adjusted for inflation (*see* 49 CFR § 190.223 for adjusted amounts), for each violation for each day the violation continues or in referral to the Attorney General for appropriate relief in a district court of the United States.

WARNING ITEMS

With respect to Items 1, 3, 4, 5, 6 and 11, the Notice alleged probable violations of Parts 191 and 192 but identified them as warning items pursuant to section 190.205. The warnings were for:

49 CFR § 191.17(a)(1) **(Item 1)** — Respondent's alleged failure to provide an accurate DOT Form PHMSA F 7100.2-1 since the commissioning of the Ivanpah system in 2014;

49 CFR § 192.199(h) **(Item 3)** — Respondent's alleged failure to prevent possible unauthorized operation of a valve affecting its emergency shut-down (ESD) valve;

49 CFR § 192.317(b) **(Item 4)** — Respondent's alleged failure to protect the aboveground portion of the Ivanpah transmission line from accidental damage by vehicular traffic or other similar causes;

49 CFR § 192.465(d) **(Item 5)** — Respondent's alleged failure to take action to correct identified deficiencies within the cathodic protection (CP) system;

49 CFR § 192.603(b) **(Item 6)** — Respondent's alleged failure to provide accurate construction records, maps, or drawings demonstrating valve locations along the Ivanpah pipeline; and

49 CFR § 192.619(a) **(Item 11)** — Respondent's alleged failure to establish a Maximum Allowable Operating Pressure (MAOP), for the Ivanpah pipeline, by means consistent with the pipeline safety regulations.

If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

Under 49 CFR § 190.243, Respondent may submit a Petition for Reconsideration of this Final Order to the Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2nd Floor, Washington, D.C. 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address. The written petition must be received no later than 20 days after receipt of the Final Order by Respondent. Any petition submitted must contain a statement of the issue(s) and meet all other requirements of 49 CFR § 190.243. The terms of the order, including corrective action, remain in effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective upon service in accordance with 49 CFR § 190.5.

Linda Daugherty
Acting Associate Administrator
for Pipeline Safety

Date Issued