



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JAN 24 2017

Ms. Jill S. Pierce
Attorney at Law
Bradley Steele and Pierce, LLP
3120 Central Mall Drive
Port Arthur, TX 77642

Dear Ms. Pierce:

In a May 27, 2016, letter to the Pipeline and Hazardous Materials Safety Administration, (PHMSA) Southwest Region, you requested an interpretation of 49 CFR Part 192 as it applies to the Chevron South Marsh Island 207 platform and piping. You stated that you represent a client whose husband was killed on September 13, 2014 while working on a valve on a platform owned by Chevron Midstream Pipelines LLC and operated by Chevron Pipeline Company. You stated that the fatal injury occurred on Chevron's South Marsh Island 207, Platform A (located in state waters), and that you believe the platform should be subject to federal pipeline safety regulations. You stated that the Louisiana Department of Natural Resources does not exercise jurisdiction over this platform because the gas is coming from the Outer Continental Shelf (OCS). Therefore, you request confirmation that the platform is regulated by PHMSA.

You stated that the “incoming pipelines that had to be shut-in to isolate the valve and blow down the line after the accident are located at South Marsh Island 217-A (Tiger Shoal) Platform and South Marsh Island 239-D Platform which originate in the OCS and contained natural gas.” You stated that the Bureau of Safety and Environmental Enforcement (BSEE) “has designated these pipelines as Transportation in their database.” Also, you enclosed a copy of a Chevron flow diagram which identifies the location of the relevant pipelines.

At a request by PHMSA for additional information, on a July 1, 2016, you explained that the pipeline has been designated by the operator as an offshore gas gathering line. Also, the valve that your client’s husband was working on when he was killed is not a valve related to protection from pressure but is merely a valve used for controlling the flow through the pipeline.

PHMSA staff searched the BSEE database and found that the pipeline at issue is not listed as a pipeline subject to PHMSA’s regulations.

Sections 191.1(b) and 192.1(b) of title 49, Code of Federal Regulations, exempt pipelines that are “offshore gathering of gas in State waters upstream from the outlet flange of each facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.” Also, pipelines

The Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety provides written clarifications of the Regulations (49 CFR Parts 190-199) in the form of interpretation letters. These letters reflect the agency's current application of the regulations to the specific facts presented by the person requesting the clarification. Interpretations do not create legally-enforceable rights or obligations and are provided to help the public understand how to comply with the regulations.

on the OCS that are producer operated and cross into State waters without first connecting to a transporting operator's facility on the OCS, upstream (generally seaward) of the last valve on the last production facility on the OCS are exempt from the Part 192 regulations. The pipeline at issue is exempt from PHMSA regulations under §§ 191.1(b)(1) and 192.1(b)(1) because it is an offshore gathering line located in Louisiana State waters upstream from the outlet flange of the platform facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed.

Safety equipment protecting PHMSA-regulated pipeline segments is not excluded; however, per your July 1, 2016, email, the valve that your client's husband was working on when he was killed is not a safety valve protecting a PHMSA regulated pipeline and is accordingly also exempt from the Part 192 regulations. Therefore, the platform is not currently subject to PHMSA regulations.

If we can be of further assistance, please contact Tewabe Asebe at 202-366-5523.

Sincerely,

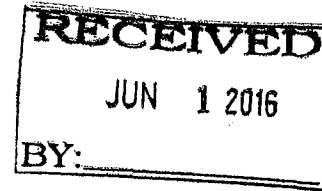


Cameron H. Satterthwaite
Acting Director, Office of Standards
and Rulemaking



Bradley Steele
& Pierce, LLP
Attorneys At Law

May 27, 2016



Jill Swearingen Pierce
jpcierce@bradlaw.net

Board Certified:
Personal Injury Trial Law
Texas Board of Legal Specialization
Admitted to Practice in TX and LA

Mr. Rodrick Seeley
Region Director, SW Region
USDOT/PHMSA, Office of Pipeline Safety
8701 S. Gessner, Suite 630
Houston, TX 77074

RE: NRC Report Number 1095216 on the Chevron South Marsh Island 207
Platform A
Date of Incident: September 13, 2014

Dear Mr. Seeley,

I represent Peggy Mays, the widow of James Mays who was killed on September 13, 2014 while working on a valve on a platform owned by Chevron Midstream Pipelines LLC and operated by Chevron Pipeline Company. The fatal injury occurred on Chevron's South Marsh Island 207, Platform A. I believe this platform should be subject to federal jurisdiction. The Louisiana Department of Natural Resources does not exercise jurisdiction over this platform because the gas is coming from the Outer Continental Shelf. I am requesting a jurisdictional position from PHMSA.

The incoming pipelines that had to be shut-in to isolate the valve and blow down the line after the accident are located at South Marsh Island 217-A (Tiger Shoal) Platform and South Marsh Island 239-D Platform which originate in the OCS and contained natural gas. Further, BSEE has designated these pipelines as Transportation in their database. I am enclosing a copy of a Chevron flow diagram which identifies the location of the relevant pipelines.

I understand that Mr. Henry Leger answered some questions on behalf of Chevron asked by BSEE immediately after this incident where he indicated the pipeline involved was a 12 inch pipeline that was not located on the OCS. However, the evidence we have developed shows that the 12 inch pipeline transported oil and that it was a 24 inch pipeline that transported the gas from South Marsh Island 217-A (Tiger Shoal) Platform and South Marsh Island 239-D Platform. As such, Mr. Leger's responses about the 12 inch pipeline are not relevant to a jurisdictional inquiry as it was not a pipeline containing oil that was connected to the valve that blew in this incident.



Bradley Steele
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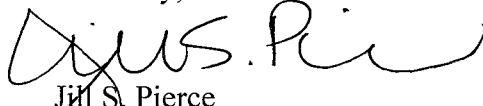
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Texas Board of Legal Specialization
Admitted to Practice in TX and LA

Mr. Roderick Seeley
May 27, 2016
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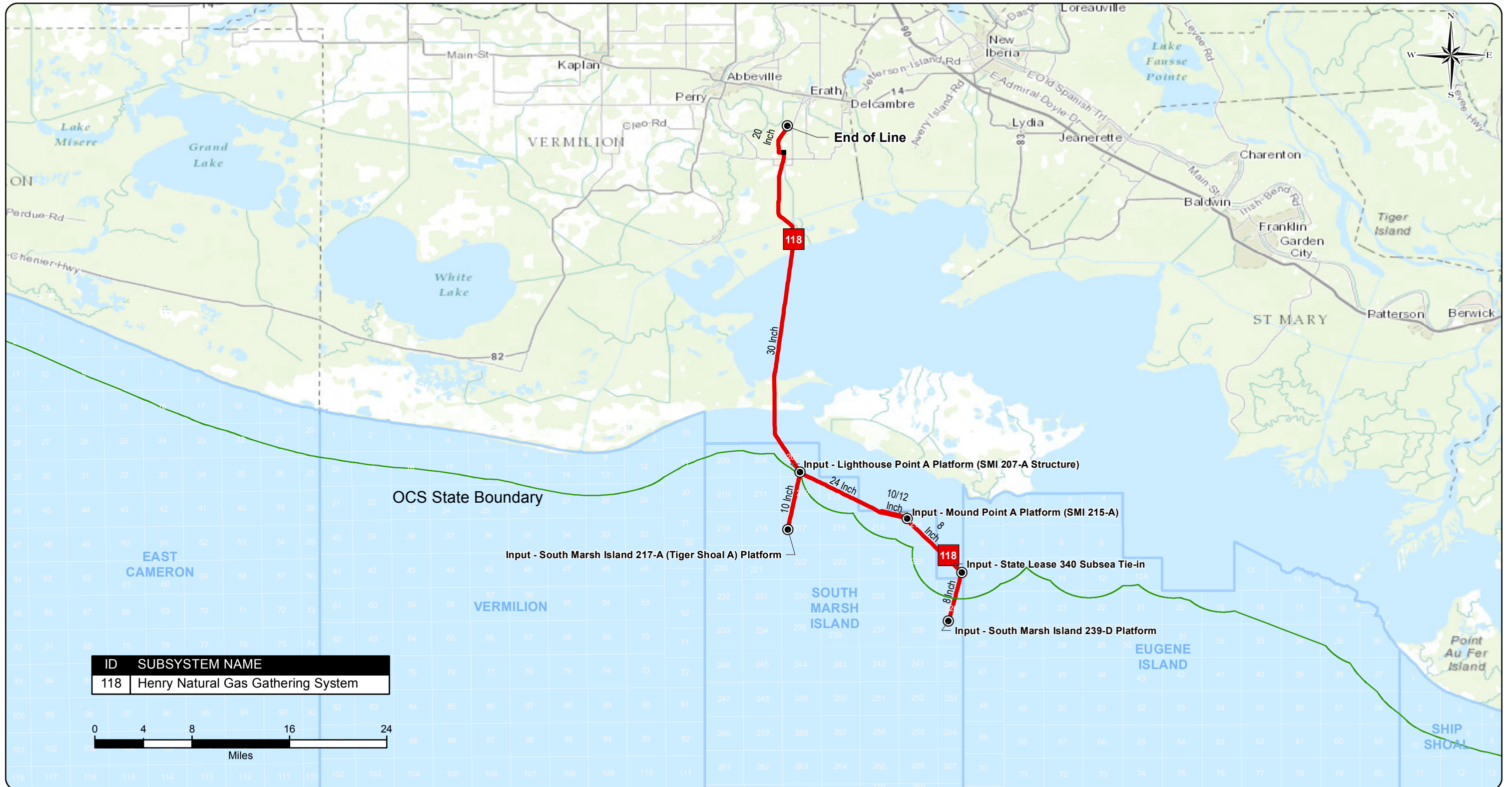
Please feel free to contact me should you require additional information.

Sincerely,

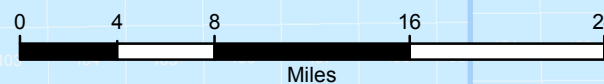


Jill S. Pierce

JSP
Enclosure



ID	SUBSYSTEM NAME
118	Henry Natural Gas Gathering System



CHEVRON PIPE LINE COMPANY does not warrant the accuracy of this dataset nor do they accept or assume any liability or responsibility for any consequences, financial, and/or otherwise direct or consequential, foreseeable or not, by any entity relying on the data for any purpose whatsoever and said entity does so entirely at its own risk and accepts it "as is".

Therefore, the spatial accuracy of this dataset shall be considered approximate. Before digging or for an exact location please contact your state's underground utility service.

Compiled: September, 2014
 Author: PHGM
 Team: DIG
 Source: PODS September, 2014/ESRI Online
 Geodesy: WGS 1984

LEGEND		CO2		INERT		FACILITY
		CRUDE		NATURAL GAS		Number = Sub System ID Color = Commodity
		HVL		PRODUCTS		NOTE: All lines denote Active or Idle Routes.

