



**Bruce L. Niemeyer**  
GOM West Area Manager

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May 10, 2007

National Transportation Safety Board  
490 L'Efant Plaza, SW  
Washington, DC 20594-0001

Attention: Captain Morgan Turrell

RE: Chevron's Party Submission  
Fire Aboard the *Athena Barge 106*, Accident Number DCA07MM001

Dear Captain Turrell:

Based upon our review of the evidence and testimony, we understand that the Board concludes that the location, condition, and operation of the Chevron pipeline were not a cause of the accident.

If you have any questions, please feel free to contact Thomas Marcotte at [REDACTED]

Sincerely,

[REDACTED]

Bruce Niemeyer, P.E.

TFM/sm

cc: Kerry Mire

# *Central Boat Rentals, Inc.*

## *"Barge Specialists"*

May 17, 2007

Morgan Turrell  
Investigator In Charge  
National Transportation Safety Board  
490 L'Enfant Plaza, S.W.  
Washington, D.C. 20594

RE: Fire Aboard *Athena Barge 106*, Accident number DCA07MM001  
Party Submission from Central Boat Rentals, Inc.

Dear Mr. Turrell,

Pursuant to your letter dated May 4, 2007, Central Boat Rentals, Inc., as owner of the tow boat *Miss Megan*, files this Party Submission. At the time of the fire aboard the barge *Athena 106*, the *Miss Megan* was tight, strong, staunch, fit, and seaworthy in all respects at the time of the incident. No action of the crew or condition of the *Miss Megan* cause or contributed to the accident in any respect. The fire and resulting explosion were solely the consequence of the aft spud on the *Athena 106* suddenly releasing from its fully raised position and striking a submerged natural gas pipeline. The aft spud was an appurtenance of the *Athena 106* and was at all times prior to the incident completely in the care, custody, and control of Athena Construction or other parties over whom Central Boat Rentals, Inc has no control. Therefore, neither Central Boat Rentals, its agents or representatives, the *Miss Megan*, nor the vessel's crew, bears any responsibility for this tragic accident.

Should you have any questions or comments regarding this matter, please do not hesitate to contact the undersigned.

Sincerely,  
Central Boat Rentals, Inc.



Michael Patterson  
Vice President

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Post Office Box 2545 Morgan City, Louisiana 70381 (985) 384-8200 Fax (985) 384-8455  
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# KEANMILLER

KEAN MILLER HAWTHORNE D'ARMOND McCOWAN & JARMAN LLP  
ATTORNEYS AT LAW

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PHONE: 504.585.3045 DIRECT FAX 504.585.3051  
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May 17, 2007

Chairman Mark V. Rosenker  
National Transportation Safety Board  
Washington, D.C. 20594

Re: Fire aboard Athena *Barge A-106*  
Accident No. : DCA07MM001  
Date of Accident : October 12, 2006  
Our File No. : 019047.000001

Dear Chairman Rosenker:

Please allow this correspondence to serve as Athena's Submission regarding the NTSB investigation and report that is being issued as a result of an accident in South Louisiana on October 12, 2006. In that regard, we have already reviewed and provided feedback in response to the Draft Factual Report forwarded to us by Mr. Morgan Turrell (NTSB). It is our understanding that Mr. Turrell has made Athena's suggested corrections to the Draft Factual Report. We have not been provided with a revised copy as of the date of writing this letter. Also, we do not have the benefit of the NTSB's findings because a final report has not been issued at this time.

Athena is writing this letter to inform you of its discussions with OSHA and the results of the Informal Conference that was held between the parties on April 20, 2007 in Baton Rouge, Louisiana. During that conference, a Settlement Agreement was executed between OSHA and Athena resolving the citation issued on March 29, 2007 (Inspection # 310249578).

In OSHA's citation and notification of penalty, OSHA suggested three steps be taken before there was any movement of a spud barge, which are as follows: (1) setting the winch peddle brakes, (2) engaging the dogs on the winch in the brake position, and (3) pinning the spud in the up position.

In response, Athena provided a detailed explanation as to why it creates a "greater hazard" if the dogs are engaged in the brake position. Essentially, because the engines have to be started to remove the dogs from the brake position, it creates an ignition source. If the

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BATON ROUGE NEW ORLEANS LAKE CHARLES PLAQUEMINE

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Chairman Mark V. Rosenker

May 17, 2007

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spud barge is in an emergency situation where it needs to deploy the spuds, it causes a potential hazard to start the engines. Another problem with relying on the dogs is that they are made of cast iron, which is easily weakened, and the dogs are located in a position where they are not easily inspected.

After some discussion, OSHA and Athena agreed that recommended steps numbered (1) (setting the brakes) and (3) (pinning the spuds in the up position) can be safely done and do not create a "greater hazard." Based on this, Athena and OSHA agreed on the following abatement method and subsequent remedial measures:

All employees have been instructed that before a barge is moved, the spuds are to be raised such that the pin hole is above the resting area of the pin. Each spud is to be pinned in the up position. Each spud and the winch are to be manned throughout the barge's move. In the event of a power failure of the tug or an imminent collision or allision, and it is necessary to lower the spuds to stop the barge, the Supervisor will direct the workers at the spuds to remove the pins, and the winch operator will be directed by the Supervisor on how and when to lower the spuds. When the equipment is not manned and is under tow, the spuds will be raised and pinned.

Because of the level of Athena's cooperation with OSHA in investigating this matter, the willingness to develop the above measures, and educate their employees on these measures, OSHA agreed to reduce the fine issued to Athena by 40%. If you speak with Mr. Morgan Turrell, we believe that you will hear the same story regarding Athena's cooperation in this process, and genuine interest in making the oilfield a safer place to work.

Athena does not think it is appropriate for it to speculate regarding the findings of fact and causes of the accident in question. To date, Athena has only been involved in the NTSB and OSHA investigations as a spectator. Currently, Athena is speaking with its own experts and plans to interview/depose witnesses regarding the cause(s) of the accident in question. Without having the benefit of those opinions and interviews, Athena does not believe it has the basis at this time to make allegations regarding the causes of the accident.

Should you need any additional information, please do not hesitate to contact the undersigned. Athena appreciates your cooperation regarding this unfortunate incident.

KEAN MILLER

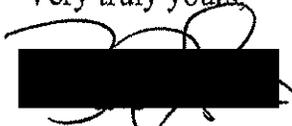
Chairman Mark V. Rosenker

May 17, 2007

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With kindest personal regards, I am

Very truly yours



Bradley J. Schlotterer

BJS/bml

NOAA Office of Coast Survey, Eastern Gulf Regional Office



May 17, 2007

Mr. Morgan Turrell  
Investigator In Charge  
National Transportation Safety Board  
Office of Marine Safety  
Washington, D.C. 20594

Dear Mr. Turrell:

We apologize for the process in developing and clearing this letter.

NOAA has reviewed the reports, supporting documentation and photo records for the Athena Barge 106 Accident (Number DCA07MM01).

Development and compilation of the report and supporting documentation appears to be comprehensive and thorough. The report appears to provide an accurate and extensive record of the incident, actions taken by the various parties and documentation of the investigation phase of this case.

For NOAA, we have no comments or issues to submit to this report and its supporting documentation.

As a party to this case, we recognize and thank you and your office in the communication and documentation efforts in this matter.

Sincerely:

A handwritten signature in black ink, which appears to be "Tim Osborn", written over a black rectangular redaction box.

Tim Osborn  
Navigation Manager, Eastern Gulf  
Office of Coast Survey  
NOAA

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Lafayette, Louisiana 70506  
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