# Alert Notice

**Alert Notice #:** ALN-91-02 **File Code:** ALN

**Date:** 10/11/91
**CFR Reference(s):**
**Keyword(s):** Iron, Cast, NTSB

**Subject:**
NTSB Recommendation S P-91-12, 07/90 Allentown, PA: replacement of cast-iron piping. RSPA/gas operators should have a program to identify/replace cast iron systems that threaten public safety. AGA recently sent materials to cast iron operators to assist their program.

US Department of Transportation
Research and Special Programs Administration

400 Seventh Street, SW.
Washington, DC 20590

# PIPELINE SAFETY ALERT NOTICE

**Alert Notice: ALN-91-02** **Date: 10/11/91**

**To:** Each Owner or Operator of a Gas Pipeline Facility and Every State Pipeline Safety Representative

**Subject:**

**Purpose:**
NTSB recently issued recommendation P-91-12 related to the August 1990 explosion and fire in Allentown, PA, caused by a crack in a 4-inch cast iron gas main. Recommendation P-91-12 states:

**Notice:**

**Background:**
NTSB recently issued recommendation P-91-12 related to the August 1990 explosion and fire in Allentown, PA, caused by a crack in a 4-inch cast iron gas main. Recommendation P-91-12 states:

> Require each gas operator to implement a program, based on factors such as age, pipe diameter, operating pressure, soil corrosiveness, existing graphitic damage, leak history, burial depth, and external loading, to identify and replace in a planned, timely manner cast iron piping systems that may threaten public safety.

RSPA is equally concerned that each gas pipeline operator have a program to identify and replace those cast iron piping systems that may threaten public safety.

The American Gas Association (AGA) has recently sent material that has been developed by the Gas Piping Technology Committee (GPTC) to all pipeline distribution operators with cast iron pipe to assist them in developing procedures for determining the serviceability of the cast iron pipe and to identify the cast iron pipe segments that may need replacement. This GPTC material identifies all of the same factors set forth in the NTSB recommendation that should be considered in a cast iron pipe replacement program. RSPA supports the use of these factors in

determining the cast iron pope segments that may need replacement. If an operator has cast iron pipe and has not received the material, contact either Larry Ingels (703/804-8454) or John Erickson (703/841-8612) of AGA and request the information.

Operators should be aware that computer programs are commercially available that can be used to develop a systematic replacement program for cast iron pipe. One of these programs is the Cast-Iron Maintenance Optimization System (CIMOS) developed through research sponsored by the Gas Research Institute.

Current pipeline safety regulations require that cast iron pipe on which general graphitization is found to a degree where a fracture might result, must be replaced. In addition, the regulations require that cast iron pipe that is excavated must be protected against damage. An operator's compliance with these requirements can be enhanced by incorporating all of the operator's cast iron responsibilities in an effective cast iron program that is designed to identify and replace cast iron pipe that may threaten the public.

**George W. Tenley, Associate Administrator, Office of Pipeline Safety**

# Alert Notice

**Alert Notice #:** ALN-92-02 **File Code:** ALN

**Date:** 06/26/92
**CFR Reference(s):** 192.613
**Keyword(s):** Iron, Cast, Explosion

**Subject:**
Addresses concerns arising from Allentown, PA, explosion.

US Department of Transportation
Research and Special Programs Administration

400 Seventh Street, SW.
Washington, DC 20590

# PIPELINE SAFETY ALERT NOTICE

**Alert Notice: ALN-92-02** **Date: 06/26/92**

**To:** Each Owner or Operator of a Gas Pipeline Facility and Every State Pipeline Safety Representative

**Subject:** Cast Iron Pipe (Supplementary Alert Notice)

**Purpose:**
To Address Concerns Rising Out of a Recent Accident

**Notice:**
As stated in the Alert Notice, the regulations required that:

(a) If a segment of pipeline, including cast iron, is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved.

(b) Cast iron pipe on which general graphitization is found to a degree where a fracture might result, must be replaced.

(c) Cas iron pipe that is excavated must be protected against damage.

In addition to the above information included in the October 11, 1992 Alert Notice (ALN-91-02), pipeline operators should know that Section 192.613 required that each operator have a procedure for continuing surveillance of its pipeline facilities to identify problems and take appropriate action concerning failures, leakage, history, corrosion, and other unusual operating and maintenance conditions. This procedure should also include surveillance of cast iron to identify problems and to take appropriate action concerning graphitization.

Issued in Washington, DC on June 26, 1992.

**George W. Tenley, Jr., Associate Administrator, Office of Pipeline Safety**

**Background:**

On October 11, 1991, RSPA issued a Pipeline Safety Alert Notice alerting pipeline operators of the recently issued recommendation P-91-12 by NTSB related to an August 1990 explosion and fire in Allentown, PA, caused by a crack in a 4-inch cast iron gas main.

That Alert Notice stated that RSPA believes that each gas pipeline operator should have a program to identify and replace those cast iron piping systems that may threaten public safety. The Notice included information regarding material developed by the Gas Piping Technology Committee that was being sent by the American Gas Association (AGA) to all pipeline distribution operators with cast iron pipe to assist them in developing procedures for determining the serviceability of the cast iron pipe and to identify the cast iron segments that may need replacement. If an operator has cast iron pipe and has not received the material, contact either Larry Ingels (703/804-8454) or John Erickson (703/841-8612) of AGA and request the information.

# ADB-99-02

- Article

**Oct 1, 1999**

**Billing Code: 4910-60-P**
**DEPARTMENT OF TRANSPORTATION**
**Pipeline and Hazardous Materials Safety Administration**
**Potential Failures Due to Brittle-Like Cracking of Older Plastic Pipe in Natural Gas Distribution Systems.**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice; issuance of advisory bulletin on brittle-like failures of plastic pipe to owners and operators of natural gas distribution systems.

**SUMMARY:** PHMSA is issuing this advisory bulletin to owners and operators of natural gas distribution systems to inform them of the potential vulnerability of older plastic gas distribution pipe to brittle-like cracking. The National Transportation Safety Board (NTSB) recently issued a Special Investigation Report (NTSB/SIR-98/01), Brittle-like Cracking in Plastic Pipe for Gas Service, that described how plastic pipe installed in natural gas distribution systems from the 1960s through the early 1980s may be vulnerable to brittle-like cracking resulting in gas leakage and potential hazards to the public and property. PHMSA has also issued an additional advisory bulletin (ADB-99-01) reminding natural gas distribution system operators of the potential poor resistance to brittle-like cracking of certain polyethylene pipe manufactured by Century Utility Products, Inc.

**ADDRESS:** This document can be viewed on the Office of Pipeline Safety (OPS) home page at: http://ops.dot.gov.

**FOR FURTHER INFORMATION CONTACT:** Gopala K. Vinjamuri, (202) 366- 4503, or by email at gopala.vinjamuri@rspa.dot.gov.

**SUPPLEMENTARY INFORMATION**

**I. Background**

The National Transportation Safety Board (NTSB) recently issued a Special Investigation Report (NTSB/SIR-98/01), Brittle-like Cracking in Plastic Pipe for Gas Service, that described how plastic pipe installed in natural gas distribution systems from the 1960s through the early 1980s may be vulnerable to brittle-like cracking resulting in gas leakage and potential hazards to the public and property. An NTSB survey of the accident history of plastic pipe suggested that the material may be susceptible to premature brittle-like cracking under conditions of local stress intensification because of improper joining or installation procedures. Hundreds of thousands of miles of plastic pipe have been installed, with a significant amount installed prior to the mid-1980s. NTSB believes any vulnerability of this material to premature failure could represent a potentially serious hazard to public safety.

The NTSB report addressed the following safety issues: The vulnerability of plastic pipe to premature failures due to brittle-like cracking; The adequacy of available guidance relating to the installation and protection of plastic pipe connections to steel mains; and Performance monitoring of plastic pipeline systems as a way of detecting unacceptable performance in piping systems.

Copies of this report may be obtained by calling NTSB's Public Inquiry Office at 202-314-6551.

The phenomenon of brittle-like cracking in plastic pipe as described in the NTSB report and generally understood within the plastic pipeline industry relates to a part-through crack initiation in the pipe wall followed by stable crack growth at stress levels much lower than the stress required for yielding, resulting in a very tight slit-like opening and gas leak. Although significant cracking may occur at points of stress concentration and near improperly designed or installed fittings, small brittle-like cracks may be difficult to detect until a significant amount of gas leaks out of the pipe, and potentially migrates into a enclosed space such as a basement. Premature brittle-like cracking requires relatively high localized stress intensification that may be a result from geometrical discontinuities, excessive bending, improper fitting assemblies, and/or dents and gouges. Because this failure mode exhibits no evidence of gross yielding at the failure location, the term brittle-like cracking is used. This phenomenon is different from brittle fracture, in which the failure results in fragmentation of the pipe.

The report suggests that the combination of more durable plastic pipe materials and more realistic strength testing has improved the reliability of estimates of the long-term hydrostatic strength of modern plastic pipe and fittings. The report also documents that older polyethylene pipe, manufactured from the 1960s through the early 1980s, may fail at lower stresses and after less time than was originally projected. NTSB alleges that past standards used to rate the long-term strength of plastic pipe may have overrated the strength and resistance to brittle-like cracking of much of the plastic pipe manufactured and used for gas service from the 1960s through the early 1980s.

In 1998, NTSB made several recommendations to trade organizations and to the Pipeline and Hazardous Materials Safety Administration (PHMSA) on the need for a better understanding of the susceptibility of plastic pipe to brittle-like cracking. NTSB recommended that PHMSA "[d]etermine the extent of the susceptibility to premature brittle-like cracking of older plastic piping (beyond that marketed by Century Utilities Products Inc.) that remains in use for gas service nationwide."

**II. Advisory Bulletin (ADB-99-02)**

**To:** Owners and Operators of and Natural Gas Distribution Pipeline Systems

**Subject:** Potential susceptibility of plastic pipe installed between the 1960 and the early 1980s to premature failure due to brittle-like cracking.

**Purpose:** To inform natural gas distribution pipeline operators of the need to determine the extent of susceptibility to brittle-like cracking of plastic pipe installed between the years 1960 and early 1980s.

**Advisory:** A review of Office of Pipeline Safety (OPS) reportable natural gas pipeline incidents and the findings of NTSB Special Investigation Report (NTSB/SIR-98/01) indicates that certain plastic pipe used in natural gas distribution service may be susceptible to brittle-like cracking. The standards used to rate the long-term strength of plastic pipe may have overrated the strength and resistance to brittle-like cracking of much of the plastic pipe manufactured and used for gas service from the 1960s through the early 1980s.

It is recommended that all owners and operators of natural gas distribution systems identify all pre-1982 plastic pipe installations, analyze leak histories, and evaluate any conditions that may impose high stresses on the pipe. Appropriate remedial action, including replacement, should be taken to mitigate any risks to public safety.

(49 U.S.C. Chapter 601; 49 CFR 1.53)

Issued in Washington, D.C. on _____.

Richard B. Felder

Associate Administrator for Pipeline Safety

For security reasons, attendees must register in advance. To register, obtain directions to the Vehicle Research and Test Center, or request additional information, contact Jan Cooper at telephone (937) 666–4511 extension 208. If Ms. Cooper is not available, you may register by contacting Fred Seeberg at telephone (937) 666–4511 or Susan Weiser at telephone (937) 666–4511 extension 209.

The handouts and other information presented at the workshop will be available for public inspection in the DOT Docket in Washington, DC, within two weeks after the meeting. Copies of the materials will be available at ten cents a page upon request to DOT Docket, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10 a.m. to 5 p.m. The material may also be accessed electronically at *http://dms.dot.gov*, at Docket No. NHTSA–2001–9663.

The handouts and other information presented at the workshop will also be available on NHTSA's Web site at URL *http://www-nrd.nhtsa.dot.gov/departments/nrd-01/presentations/presentations.html.*

Should it be necessary to cancel the meeting due to inclement weather or any other emergencies, a decision to cancel will be made as soon as possible and posted immediately on NHTSA's Web site at URL *http://www.nhtsa.dot.gov/nhtsa.announce/meetings/.* If you do not have access to the Web site, you may call for information at the contacts listed below and leave your telephone or telefax number. You will be contacted only if the meeting is postponed or canceled.

**FOR FURTHER INFORMATION CONTACT:** Jan Cooper at telephone (937) 666–4511 extension 208. If Ms. Cooper is not available, you may contact Fred Seeberg at telephone (937) 666–4511 or Susan Weiser at telephone (937) 666–4511 extension 209.

Issued on: November 20, 2002.

**Joseph N. Kanianthra,**

*Associate Administrator for Applied Research.*

[FR Doc. 02–30054 Filed 11–25–02; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

### Notification of the Susceptibility To Premature Brittle-Like Cracking of Older Plastic Pipe

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice; issuance of advisory bulletin.

**SUMMARY:** RSPA is issuing this follow-up advisory bulletin to owners and operators of natural gas distribution systems to inform them of the susceptibility to premature brittle-like cracking of older plastic pipe and the voluntary efforts to collect and analyze data on plastic pipe performance. A Special Investigation Report issued by the National Transportation Safety Board (NTSB) described how plastic pipe installed in natural gas distribution systems from the 1960s through the early 1980s may be vulnerable to brittle-like cracking resulting in gas leakage and potential hazards to the public and property. On March 11, 1999, RSPA issued two advisory bulletins on this issue. The first bulletin reminded natural gas distribution system operators of the potential poor resistance to brittle-like cracking of certain polyethylene pipe manufactured by Century Utility Products, Inc. The second bulletin advised natural gas distribution system operators of the potential vulnerability of older plastic pipe to brittle-like cracking.

**ADDRESSES:** This document can be viewed on the Office of Pipeline Safety (OPS) home page at: *http://ops.dot.gov.*

**FOR FURTHER INFORMATION CONTACT:** Gopala K. Vinjamuri, (202) 366–4503, or by e-mail at *gopala.vinjamuri@rspa.dot.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. Background

On April 23, 1998, NTSB issued a Special Investigation Report (NTSB/SIR–98/01), *Brittle-like Cracking in Plastic Pipe for Gas Service,* that describes how plastic pipe installed in natural gas distribution systems from the 1960s through the early 1980s may be vulnerable to brittle-like cracking resulting in gas leakage and potential hazards to the public and property. An NTSB survey of the accident history of plastic pipe suggested that the material may be susceptible to premature brittle-like cracking under conditions of local stress intensification because of improper joining or installation procedures. Hundreds of thousands of miles of plastic pipe have been installed, with a significant amount installed prior to the early-1980s. NTSB believes any vulnerability of this material to premature cracking could represent a potentially serious hazard to public safety. Copies of this report may be obtained by calling NTSB's Public Inquiry Office at 202–314–6551.

RSPA has already issued two advisory bulletins on this issue. The first advisory bulletin, ADB–99–01, which was published in the **Federal Register** on March 11, 1999 (47 FR 12211), reminded natural gas distribution system operators of the potential poor resistance to brittle-like cracking of certain polyethylene pipe manufactured by Century Utility Products, Inc. The second advisory bulletin, ADB–99–02, also published in the **Federal Register** on March 11, 1999 (47 FR 12212), advised natural gas distribution system operators of the potential brittle-like cracking vulnerability of plastic pipe installed between the 1960s and early 1980s.

The phenomenon of brittle-like cracking in plastic pipe as described in the NTSB report and generally understood within the plastic pipeline industry relates to a part-through crack initiation in the pipe wall followed by stable crack growth at stress levels much lower than the stress required for yielding, resulting in a very tight slit-like openings and gas leaks. Although significant cracking may occur at points of stress concentration and near improperly designed or installed fittings, small brittle-like cracks may be difficult to detect until a significant amount of gas leaks out of the pipe, and potentially migrates into an enclosed space such as a basement. Premature brittle-like cracking requires relatively high localized stress intensification that may be a result from geometrical discontinuities, excessive bending, improper installation of fittings, and dents and gouges. Because this failure mode exhibits no evidence of gross yielding at the failure location, the term brittle-like cracking is used. This phenomenon is different from brittle fracture, in which the pipe failure causes fragmentation of the pipe.

The NTSB report suggests that the combination of more durable plastic pipe materials and more realistic strength testing has improved the reliability of estimates of the long-term hydrostatic strength of modern plastic pipe and fittings. The report also documents that older polyethylene pipe, manufactured from the 1960s through the early 1980s, may fail at lower stresses and after less time than was originally projected. NTSB alleges that

past standards used to rate the long-term strength of plastic pipe may have overrated the strength and resistance to brittle-like cracking of much of the plastic pipe manufactured and used for gas service from the 1960s through the early 1980s.

In 1998, NTSB made several recommendations to trade organizations and to RSPA on the need for a better understanding of the susceptibility of plastic pipe to brittle-like cracking. This advisory bulletin responds to one of the NTSB recommendations. It is that RSPA ''[d]etermine the extent of the susceptibility to premature brittle-like cracking of older plastic piping (beyond that marketed by Century Utilities Products Inc.) that remains in use for gas service nationwide. Inform gas system operators of the findings and require them to closely monitor the performance of the older plastic piping and to identify and replace, in a timely manner, any of the piping that indicates poor performance based on such evaluation factors as installation, operating, and environmental conditions; piping failure characteristics; and leak history.''

In order to obtain the most complete information on the extent of the susceptibility to premature brittle-like cracking of older plastic pipe, a meeting was convened in May 1999 with all the stakeholders to determine how information on older plastic pipe could be assembled. The meeting included representatives of the American Gas Association (AGA), the American Public Gas Association (APGA), the Gas Research Institute (GRI) (now the Gas Technology Institute), the Midwest Energy Association (MEA), and the Plastic Pipe Institute (PPI).

As a result of the May 1999 meeting, the Joint Government-Industry Plastic Pipe Study Committee was formed to address the recommendations of the NTSB Special Investigation Report. The committee held three separate meetings to prepare a draft response to the NTSB recommendations and a draft industry notification of brittle-like cracking problems, the subject of this advisory bulletin. The committee membership consisted of a representative from OPS, a gas distribution operator from AGA, and the Transportation Safety Institute. Meetings were facilitated by General Physics Corporation, Columbia, MD. One of the committee findings was that there is a lack of data available from the industry to completely identify older plastic pipe that is still in service and may be susceptible to brittle-like cracking.

This finding led to the formation of the Plastic Pipe Database Committee (PPDC) to develop a process for gathering data on future plastic pipe failures with involvement from the states, which have assumed the authority from OPS over gas distribution systems, where most of the plastic pipe is installed. The PPDC is comprised of representatives from Federal and State regulatory agencies and from the natural gas and plastic pipe industries. Members include AGA, APGA, PPI, the National Association of Regulatory Utility Commissioners (NARUC), the National Association of Pipeline Safety Representatives (NAPSR), and OPS.

The PPDC database is expected to improve the knowledge base of gas utility operators and regulators and is intended to help reveal any failure trends associated with older plastic piping materials. The PPDC's mission is ''to develop and maintain a voluntary data collection process that supports the analysis of the frequency and causes of in-service plastic piping material failures.'' It provides an opportunity for government and industry to work together to evaluate the extent of plastic pipe performance problems and to mitigate any risks to safety. The PPDC started gathering data in January 2001 from OPS and State pipeline safety agencies. For more information on the PPDC, go to the AGA Web page (*http://www.aga.org*), and enter ''PPDC'' in the keyword search.

**II. Advisory Bulletin (ADB–02–7)**

*To:* Owners and Operators of Natural Gas Distribution Pipeline Systems.

*Subject:* Notification of the Susceptibility to Premature Brittle-like Cracking of Older Plastic Pipe.

*Advisory:* In recent years, brittle-like cracking has been observed in some polyethylene pipes installed in gas service through the early 1980s. This brittle-like cracking (also known as slow crack growth) can substantially reduce the service life of polyethylene piping systems.

The susceptibility of some polyethylene pipes to brittle-like cracking is dependent on the resin, pipe processing, and service conditions. A number of studies have been conducted on older polyethylene pipe. These studies have shown that some of these older polyethylene pipes are more susceptible to brittle-like cracking than current materials. These older polyethylene pipe materials include the following:

- Century Utility Products, Inc. products.
- Low-ductile inner wall ''Aldyl A'' piping manufactured by Dupont Company before 1973.
- Polyethylene gas pipe designated PE 3306. (As a result of poor performance this designation was removed from ASTM D–2513.)

The environmental, installation, and service conditions under which the piping is used are factors that could lead to premature brittle-like cracking of these older materials. These conditions include, but are not limited to:

- Inadequate support and backfill during installation.
- Rock impingement.
- Shear/bending stresses due to differential settlement resulting from factors such as:

—Excavation in close proximity to polyethylene piping
—Directional drilling in close proximity to polyethylene piping
—Frost heave

- Bending stresses due to pipe installations with bends exceeding recommended practices.
- Damaging squeeze-off practices.

Service temperatures and service pressures also influence the service life of polyethylene piping. Piping installed in areas with higher ground temperatures or operated under higher operating pressures will have a shorter life.

Gas system operators may experience an increase in failure rates with a susceptible material. A susceptible material may have leak-free performance for a number of years before brittle-like cracks occur. An increase in the occurrence of leaks will typically be the first indication of a brittle-like cracking problem. It is the responsibility of each pipeline operator to monitor the performance of their gas system. RSPA issues the following recommendations to aid operators in identifying and managing brittle-like cracking problems in polyethylene piping involving taking appropriate action, including replacement, to mitigate any risks to public safety.

Because systems without known susceptible materials may also experience brittle-like cracking problems, RSPA recommends that all operators implement the following practices for all polyethylene piping systems:

1. Review system records to determine if any known susceptible materials have been installed in the system. Both engineering and purchasing records should be reviewed. Based on the available records, identify the location of the susceptible materials. More frequent inspection and leak surveys should be performed on systems that have exhibited brittle-like cracking failures of known susceptible materials.

2. Establish a process to identify brittle-like cracking failures. Identification of failure types and site installation conditions can yield valuable information that can be used in predicting the performance of the system.

3. Use a consistent record format to collect data on system failures. The AGA Plastic Failure Report form (Appendix F of the AGA Plastic Pipe Manual) provides an example of a report for the collection of failure data.

4. Collect failure samples of polyethylene piping exhibiting brittle-like cracking. Evidence of brittle-like cracking may warrant laboratory testing. Although every failure may not warrant testing, collecting samples at the time of failure would provide the opportunity to conduct future testing should it be deemed necessary.

5. Whenever possible record the print line from any piping that has been involved in a failure. The print line information can be used to identify the resin, manufacturer and year of manufacture for plastic piping.

6. For systems where there is no record of the piping material, consider recording print line data when piping is excavated for other reasons. Recording the print line data can aid in establishing the type and extent of polyethylene piping used in the system.

(49 U.S.C. chapter 601; 49 CFR 1.53)

Issued in Washington, DC, on November 21, 2002.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 02–30055 Filed 11–25–02; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 34276]**

### Massachusetts Port Authority-Acquisition Exemption-Certain Assets of Boston and Maine Corporation

The Massachusetts Port Authority (Massport), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire from the Boston and Maine Corporation (B&M) certain railroad rights-of-way and related improvements, totaling approximately 1.45 miles, in Charlestown, Suffolk County, MA. Massport proposes to acquire B&M's right, title and interest in the rail line, known as the Mystic Wharf Branch line, between milepost 0.00 and milepost 1.45.[1]

Massport indicates that it does not intend to conduct rail operations over the line, but is acquiring it to preserve the rail right-of-way and availability of rail service to the Port. Massport further indicates that it may develop an adjacent haul road on the property at a later date. According to Massport, B&M will retain an exclusive permanent easement on the line for rail operations, and its affiliate Springfield Terminal Railway Company will continue to be responsible for providing rail operations over the line. Massport will not obtain the right or obligation to provide rail freight service on the line. Massport certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

The parties reported that they intended to consummate the transaction on November 13, 2002.

If the notice contains false or misleading information, the exemption is void *ab initio*.[2] Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34276, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Keith G. O'Brien, REA, CROSS & AUCHINCLOSS, 1707 L Street NW., Suite 570, Washington, DC 20036.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: November 19, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02–29876 Filed 11–25–02; 8:45 am]

**BILLING CODE 4915–00–P**

[1] B&M received Board authorization to abandon the above-described line pursuant to a decision in *Boston and Maine Corporation-Abandonment-in Suffolk County, MA,* STB Docket No. AB–32 (Sub-No. 92) (STB served Dec. 21, 2001).

[2] Massport simultaneously filed a motion to dismiss this proceeding, maintaining that the Board should not exercise jurisdiction over this transaction. The motion will be addressed by the Board in a separate decision.

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

November 15, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before December 26, 2002 to be assured of consideration.

### Financial Crimes Enforcement Network (FinCEN)

*OMB Number:* 1506–0019.

*Form Number:* FinCEN Form 101.

*Type of Review:* Revision.

*Title:* Suspicious Activity Report by the Securities and Futures Industry.

*Description:* Treasury is requiring certain securities broker-dealers to file suspicious activity Reports.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 8,300.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 4 hours, 40 minutes.

Estimated recordkeeping/filing per response: 4 hours.

Estimated record (SAR) completion time: 40 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 9,334 hours.

*Clearance Officer:* Lois K. Holland (202) 622–1563, Departmental Offices, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

*OMB Reviewer:* Joseph F. Lackey, Jr. (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Mary A. Able,**

*Departmental Reports, Management Officer.*

[FR Doc. 02–29990 Filed 11–25–02; 8:45 am]

**BILLING CODE 4810–02–P**

The correct marking required by FMVSS No. 109 is as follows: ''Tread Plies: 2 Polyester + 2 Steel + 1 Polyamide, Sidewall Plies: 2 Polyester.

''Michelin stated that the noncompliant tires were actually constructed with more sidewall and tread plies than indicated on the sidewall marking (2 tread and sidewall plies rather than 1). Therefore, this noncompliance is particularly unlikely to have an adverse safety impact and is clearly inconsequential to motor vehicle safety. The noncompliant tires meet or exceed all performance requirements of FMVSS No. 109 and will have no impact on the operational performance or safety of vehicles on which these tires are mounted.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: January 2, 2003.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: November 26, 2002.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 02–30522 Filed 12–2–02; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

### Notification of the Susceptibility to Premature Brittle-Like Cracking of Older Plastic Pipe

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice; correction.

**SUMMARY:** In the **Federal Register** of November 26, 2002, (67 FR 70806) the Research and Special Programs Administration (RSPA) published a notice document issuing an advisory bulletin on the susceptibility to premature brittle-like cracking of older plastic pipe (ADB–02–7). RSPA is submitting this correction notice to reflect minor wording changes and include a website address.

**EFFECTIVE DATE:** This correction takes effect November 26, 2002.

**FOR FURTHER INFORMATION CONTACT:** Gopala K. Vinjamuri, (202) 366–4503, or by email at *gopala.vinjamuri@rspa.dot.gov.*

**SUPPLEMENTARY INFORMATION:**

*Correction*

The last sentence in the first paragraph of the Supplementary Information heading under **I. Background**, reads:

Copies of this report may be obtained by calling NTSB's Public Inquiry Office at 202–314–6551.

We are revising this sentence to add NTSB's website address. The sentence is revised to read as follows:

Copies of this report may be obtained by calling NTSB's Public Inquiry Office at 202–314–6551, or on the NTSB website at *www.ntsb.gov.*

In the fourth paragraph under **SUPPLEMENTARY INFORMATION,** the first sentence reads:

The NTSB report suggests that ..... . Remove the word ''suggests'' and replace with the word ''states''.

In the fourth paragraph under Supplementary Information, the third sentence reads:

NTSB alleges that ..... . Remove the word ''alleges'' and replace with the word ''concluded''.

Under **II. Advisory Bulletin (ADB–02–7)** of the **SUPPLEMENTARY INFORMATION** heading, in the second paragraph under *Advisory.* The fourth sentence reads:

These older polyethylene pipe materials include the following:

The sentence is revised to read as follows:

These older polyethylene pipe materials include, but are not limited to:

Issued in Washington, DC on November 27, 2002.

**James K. O'Steen,**

*Deputy Associate Administrator for Pipeline Safety.*

[FR Doc. 02–30615 Filed 12–2–02; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

November 22, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

*Dates:* Written comments should be received on or before January 2, 2003 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545–0499.

*Form Number:* IRS Form 5305-SEP.

*Type of Review:* Extension.

*Title:* Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

*Description:* This form is used by an employer to make an agreement to provide benefits to all employees under a Simplified Employee Pension (SEP) described in section 408(k). This form is not filed with the IRS but to be retained in the employer's records as proof establishing a SEP and justifying a deduction for contributions to the SEP. The data is used to verify the deduction.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 100,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

| | |
|---|---|
| Recordkeeping | 1 hr., 40 min. |
| Learning about the law or the form | 1 hr., 35 min. |
| Preparing the form | 1 hr., 41 min. |

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 495,000 hours.

*Clearance Officer:* Glenn Kirkland, (202) 622–3428, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 02–30575 Filed 12–2–02; 8:45 am]

**BILLING CODE 4830–01–P**

safety procedures used for filling, operating, and discharging MATs to determine whether additional safety procedures should be implemented. To this end, we request that persons who use such transportation systems to provide us with information on the effectiveness of the current DOT regulations, consensus standards, and industry best practices. We are also interested in any other procedures utilized to ensure that operations related to the transportation of acetylene on MATs are performed safely.

We would also like to work with shippers, carriers, and facilities that receive shipments of acetylene in MATs to develop and implement a pilot program to test the effectiveness of current or alternative procedures or methods designed to enhance the safety of transportation operations involving acetylene on MATs. As part of this program, we will assist individual companies or facilities to evaluate the effectiveness of their current procedures and to identify additional measures that should be implemented. We welcome suggestions concerning how such a program should be structured and the entities that should participate.

To ensure that our message reaches all stakeholders affected by these risks, we plan to communicate this advisory through our public affairs notification and outreach processes. For additional visibility, we have made this advisory available on the PHMSA homepage at *http://www.phmsa.dot.gov* and the DOT electronic docket site at *http://dms.dot.gov*. In addition, if you are aware of other companies that are involved in the charging, operating, and discharging MATs, please share this advisory notice with them and, if possible, identify them in your correspondence with this agency. We believe a collaborative effort involving an integrated and cooperative approach will help us to address safety risks, reduce incidents, enhance safety, and protect the public.

Issued in Washington, DC on August 30, 2007.

**Theodore L. Willke,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 07–4355 Filed 9–5–07; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–2004–19856]**

### Pipeline Safety: Updated Notification of the Susceptibility to Premature Brittle-Like Cracking of Older Plastic Pipe

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION:** Notice; Issuance of Advisory Bulletin.

**SUMMARY:** PHMSA is issuing this updated advisory bulletin to owners and operators of natural gas pipeline distribution systems concerning the susceptibility of older plastic pipe to premature brittle-like cracking. PHMSA previously issued three advisory bulletins on this subject: Two on March 11, 1999 and one on November 26, 2002. This advisory bulletin expands on the information provided in the three prior bulletins by listing two additional pipe materials with poor performance histories relative to brittle-like cracking and by updating pipeline owners and operators on the ongoing voluntary efforts to collect and analyze data on plastic pipe performance. Owners and operators of natural gas pipeline distribution systems are encouraged to review the three previous advisory bulletins in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Richard Sanders at (405) 954–7214, or by e-mail at *richard.sanders@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. National Transportation Safety Board (NTSB) Investigation

On April 23, 1998, the National Transportation Safety Board (NTSB) issued its Special Investigation Report, *Brittle-Like Cracking in Plastic Pipe for Gas Service,* NTSB/SIR–98/01. The report described the results of the NTSB's special investigation of polyethylene gas service pipe, which addressed three major safety issues: (1) Vulnerability of plastic piping to premature failures due to brittle-like cracking; (2) adequacy of available guidance relating to the installation and protection of plastic piping connections to steel mains; and, (3) effectiveness of performance monitoring of plastic pipeline systems to detect unacceptable performance in piping systems.

(1) *Vulnerability of plastic piping to premature failures due to brittle-like cracking:* The NTSB found that failures in polyethylene pipe in actual service are frequently brittle-like, slit failures, not ductile failures. It concluded the number and similarity of plastic pipe accident and non-accident failures indicate past standards used to rate the long-term strength of plastic pipe may have overrated the strength and resistance to brittle-like cracking for much of the plastic pipe manufactured and used for gas service from the 1960s through the early 1980s. The NTSB also concluded any potential public safety hazards from these failures are likely to be limited to locations where stress intensification exists. The NTSB went on to state that more durable modern plastic piping materials and better strength testing have made the strength ratings of modern plastic piping more reliable.

(2) *Adequacy of available guidance relating to the installation and protection of plastic piping connections to steel mains:* The NTSB concluded that gas pipeline operators had insufficient notification of the brittle-like failure potential for plastic pipe manufactured and used for gas service from the 1960s to the early 1980s. The NTSB also concluded this may not have allowed companies to implement adequate surveillance and replacement programs for older plastic piping. The NTSB explained the Gas Research Institute (GRI) developed a significant amount of data on older plastic pipe but the data was published in codified terms making it insufficient for use by pipeline system operators. The NTSB recommended that manufacturers of resin and pipe, industry trade groups and the Federal government do more to alert pipeline operators to the role played by stress intensification from external forces in the premature failure of plastic pipe due to brittle-like cracking.

(3) *Effectiveness of performance monitoring of plastic pipeline systems as a way of detecting unacceptable performance in piping systems:* The NTSB's analysis noted that Federal regulations require pipeline operators to have an ongoing program to monitor the performance of their pipeline systems. However, the NTSB investigation revealed some gas pipeline operators' performance monitoring programs did not effectively collect and analyze data to determine the extent of possible hazards associated with plastic pipeline systems. The NTSB pointed out, ''such a program must be adequate to detect trends as well as to identify localized problem areas, and it must be able to relate poor performance to specific factors such as plastic piping brands, dates of manufacture (or installation dates), and failure conditions.''

Copies of this report may be obtained by searching the NTSB Web site at *www.ntsb.gov.*

**II. Advisory Bulletins Previously Issued by PHMSA**

The NTSB made several recommendations to PHMSA and to trade organizations in its 1998 special investigation report. In response, PHMSA issued three advisory bulletins. The first advisory bulletin, ADB–99–01, *Potential Failure Due to Brittle-Like Cracking of Certain Polyethylene Plastic Pipe Manufactured by Century Utility Products Inc,* was published in the **Federal Register** (FR) on March 11, 1999 (64 FR 12211) to advise natural gas pipeline distribution system operators that brittle-like cracking may occur on certain polyethylene pipe manufactured by Century Utility Products, Inc.

The second advisory bulletin, ADB–99–02, *Potential Failures Due to Brittle-Like Cracking of Older Plastic Pipe in Natural Gas Distribution Systems,* was also published in the **Federal Register** on March 11, 1999 (64 FR 12212) to advise natural gas pipeline distribution system operators of the potential for brittle-like cracking of plastic pipes installed between the 1960s and early 1980s.

The third advisory bulletin, ADB–02–07, *Notification of the Susceptibility To Premature Brittle-Like Cracking of Older Plastic Pipe,* was published in the **Federal Register** on November 26, 2002 (67 FR 70806) to reiterate to natural gas pipeline distribution system operators the susceptibility of older plastic pipe to premature brittle-like cracking. The older polyethylene pipe materials specifically identified in ADB–02–07 included, but were not limited to:

- Century Utility Products, Inc. products;
- Low-ductile inner wall ''Aldyl A'' piping manufactured by DuPont Company before 1973; and
- Polyethylene gas pipe designated PE 3306.

This third advisory bulletin also listed several environmental, installation and service conditions in which plastic piping is used that could lead to premature brittle-like cracking failure. PHMSA also described six recommended practices for polyethylene gas pipeline system operators to aid them with identifying and managing brittle-like cracking problems.

**III. Plastic Pipe Studies**

Beginning January 25, 2001, the American Gas Association (AGA) began to collect data on in-service plastic piping material failures with the objective of identifying trends in the performance of these materials. The resulting leak survey data, collected from 2001 to present, on the county's natural gas distribution systems includes both actual failure information and negative reports (reports of no leads) submitted voluntarily by participating pipeline operating companies.

The AGA, PHMSA, and other industry and state organizations continue to collect and analyze the data. Unfortunately, the data cannot be correlated with the quantities of each plastic pipe material that may be in service across the United States. Therefore, the data does not assess the failure rates of individual plastic pipe materials on a linear basis (i.e. per foot, per mile, etc.). However, the failure data reinforces what is historically known about certain older plastic piping and components. The data also indicates the susceptibility of additional specific materials to brittle-like cracking.

**IV. Advisory Bulletin ADB–07–01**

*To:* Owners and Operators of Natural Gas Pipeline Distribution Systems.

*Subject:* Updated Notification of the Susceptibility of Older Plastic Pipes to Premature Brittle-Like Cracking.

*Advisory:* All owners and operators of natural gas distribution systems who have installed and operate plastic piping are reminded of the phenomenon of brittle-like cracking. Brittle-like cracking refers to crack initiation in the pipe wall not immediately resulting in a full break followed by stable crack growth at stress levels much lower than the stress required for yielding. This results in very tight, slit-like, openings and gas leaks. Although significant cracking may occur at points of stress concentration and near improperly designed or installed fittings, small brittle-like cracks may be difficult to detect until a significant amount of gas leaks out of the pipe, and potentially migrates into an enclosed space such as a basement. Premature brittle-like cracking requires relatively high localized stress intensification that may result from geometrical discontinuities, excessive bending, improper installation of fittings, dents and/or gouges. Because this failure mode exhibits no evidence of gross yielding at the failure location, the term brittle-like cracking is used. This phenomenon is different from brittle fracture, in which the pipe failure causes fragmentation of the pipe.

All owners and operators of natural gas distribution systems are future advised to review the three earlier advisory bulletins on this issue. In addition to being available in the **Federal Register**, these advisory bulletins are available in the docket, and on PHMSA's Web site at *http://phmsa.dot.gov/* under Pipeline Safety Regulations.

In the first advisory bulletin, ADB–99–01, published on March 11, 1999 (64 FR 12211), PHMSA advises natural gas distribution system operators of the potential for poor resistance to brittle-like cracking of certain polyethylene pipe manufactured by Century Utility Products, Inc. In the second advisory bulletin, ADB–99–02, published on March 11, 1999 (64 FR 12212), PHMSA advises natural gas distribution system operators of the potential for brittle-like cracking of plastic pipes installed between the 1960s and early 1980s.

In the third advisory bulletin, ADB–02–07, published on November 26, 2002 (67 FR 70806), PHMSA reiterates to pipeline operators the susceptibility of some older plastic pipe to premature brittle-like cracking which could substantially reduce the service life of natural gas distribution systems and to explain the mission of the Plastic Pipe Database Committee (PPDC) ''to develop and maintain a voluntary data collection process that supports the analysis of the frequency and causes of in-service plastic piping material failures.'' The advisory bulletin also lists several environmental, installation and service conditions under which plastic piping is used which is used which could lead to premature brittle-like cracking failure. PHMSA also describes six recommended practices for polyethylene gas pipeline system operators to aid them with identifying and managing brittle-like cracking problems.

Lastly, the susceptibility of some polyethylene pipes to brittle-like cracking is dependent on the resin, pipe processing, and service conditions. As noted in ADB–02–07, these older polyethylene pipe materials include, but are not limited to:

- Century Utility Products, Inc. products;
- Low-ductile inner wall ''Aldyl A'' piping manufactured by DuPont Company before 1973; and
- Polyethylene gas pipe designated PE 3306.

The data now supports adding the following pipe materials to this list:

- Delrin insert tap tees; and,
- Plexco service tee Celcon (polyacetal) caps.

**Authority:** 49 U.S.C. chapter 601 and 49 CFR 1.53.

Issued in Washington, DC, on August 28, 2007.

**Jeffrey D. Wiese,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 07–4309 Filed 9–5–07; 8:45 am]

**BILLING CODE 4910–60–M**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–2007–28993]**

### Pipeline Safety: Adequacy of Internal Corrosion Regulations for Hazardous Liquid Pipelines

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of availability of materials; request for comments.

**SUMMARY:** This notice announces the availability of materials, including a briefing paper prepared for PHMSA's Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) and data on risks posed by internal corrosion on hazardous liquid pipelines. PHMSA is preparing a report to Congress on the adequacy of the internal corrosion regulations for hazardous liquid pipelines. Participants at a meeting of the THLPSSC discussed issues involved in examining the adequacy of the regulations and requested additional data. PHMSA requests public comment on these matters.

**DATES:** Submit comments by October 9, 2007.

**ADDRESSES:** Comments should reference Docket No. PHMSA–2007–28993 and may be submitted in the following ways:

- *E-Gov Web site: http://www.regulations.gov.* This Web site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- *Hand Delivery:* DOT Docket Management System, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* Identify the docket number, PHMSA–2007–28993, at the beginning of your comments. If you submit your comments by mail, submit two copies. To receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov.*

**Note:** Comments are posted without changes or edits to *http://www.regulations.gov,* including any personal information provided. There is a privacy statement published on *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Barbara Betsock at (202) 366–4361, or by e-mail at *barbara.betsock@dot.gov.*

**SUPPLEMENTARY INFORMATION:** The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 directs PHMSA to review the internal corrosion regulations in subpart H of 49 CFR part 195 to determine if they are adequate to ensure adequate protection of the public and environment and to report to Congress on the results of the review. As an initial step in the review, PHMSA consulted the THLPSSC at its meeting on July 24, 2007. The briefing paper prepared for the committee members contains preliminary data on risk history as well as questions relating to the internal corrosion regulations. This briefing paper is posted on PHMSA's pipeline Web site (*http://ops.dot.gov*) and has been placed in the docket.

At the meeting, PHMSA officials committed to gathering additional data responding to questions posed by the committee members. PHMSA has updated the data and included data responsive to the committee members. This data is also posted on the pipeline Web site and contained in the docket.

PHMSA requests comments on the adequacy of the internal corrosion regulations and answers to the questions posed in the briefing paper. PHMSA will use these comments in its review of the internal corrosion regulations.

**Authority:** 49 U.S.C. 60102, 60115, 60117: Sec. 22, Pub. L. 109–468, 120 Stat. 3499.

Issued in Washington, DC on August 27, 2007.

**Jeffrey D. Wiese,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. E7–17538 Filed 9–5–07; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0675]**

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Center for Veterans Enterprise, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Center for Veterans Enterprise (CVE), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to identify veteran-owned businesses.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before November 5, 2007.

**ADDRESSES:** Submit written comments on the collection of information through *http://www.Regulations.gov;* or Gail Wegner (00VE), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *gail.wegner@va.gov.* Please refer to ''OMB Control No. 2900–0675'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Gail Wegner at (202) 303–3296 or FAX (202) 254–0238.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, CVE invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of CVE's functions, including whether the information will have practical utility; (2) the accuracy of CVE's estimate of the burden of the proposed collection of

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: February 26, 2008.

**Jeffrey W. Kolb,**

*Division Administrator, Federal Highway Administration, Albany, New York.*

[FR Doc. E8–4090 Filed 3–3–08; 8:45 am]

**BILLING CODE 4910–RY–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117( c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Delmer F. Billings, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue, Southeast, Washington, DC 20590–0001, (202) 366–4535.

**Key to ''Reason for Delay''**

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of special permit applications.

**Meaning of Application Number Suffixes**

N—New application.

M—Modification request.

PM—Party to application with modification request.

Issued in Washington, DC, on February 27, 2008.

**Delmer F. Billings,**

*Director, Office of Hazardous Materials, Special Permits and Approvals.*

| Application No. | Applicant | Reason for delay of completion | Estimated date |
|---|---|---|---|
| | **Modification to Special Permits** | | |
| 11579–M | Austin Powder Company, Cleveland, OR | 3, 4 | 03–31–2008 |
| 10964–M | Kidde Aerospace & Defense, Wilson, NC | 4 | 03–31–2008 |
| 13173–M | Dynetek Industries Ltd., Calgary Alberta, Canada | 1 | 03–31–2008 |
| | **New Special Permit Applications** | | |
| 14385–N | Kansas City Southern Railway Company, Kansas City, MO | 4 | 03–31–2008 |
| 14566–N | Nantong CIMCTank Equipment Co. Ltd., Nantong City | 3 | 03–31–2008 |
| 14576–N | Structural Composites Industries(SCI), Pomona, CA | 1 | 03–31–2008 |
| 14572–N | WEW Westerwaelder Eisenwerk, Weitefeld Germany | 3 | 03–31–2008 |
| 14549–N | Greif, Inc., Delaware, OR | 3,4 | 03–31–2008 |
| 14402–N | Lincoln Composites, Lincoln, NE | 3,4 | 03–31–2008 |

[FR Doc. E8–4111 Filed 3–3–08; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–RSPA–2004–19856]**

### Pipeline Safety: Issues Related to Mechanical Couplings Used in Natural Gas Distribution Systems

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice; issuance of advisory bulletin.

**SUMMARY:** Recent events concerning failures of mechanical couplings and related appurtenances have raised concerns about safety in natural gas distribution systems. This notice updates information provided in Advisory Bulletin ADB–86–02 and advises owners and operators of gas pipelines to consider the potential failure modes for mechanical couplings used for joining and pressure sealing two pipes together. Failures can occur when there is inadequate restraint for the potential stresses on the two pipes, when the couplings are incorrectly installed or supported, or when the coupling components such as elastomers degrade over time. In addition, inadequate leak surveys which fail to identify leaks requiring immediate repair can lead to more serious incidents. This notice urges operators to review their procedures for using mechanical couplings and ensure coupling design, installation procedures, leak survey procedures, and personnel qualifications meet Federal requirements. Operators should work with Federal and State pipeline safety representatives, manufacturers, and industry partners to determine how best to resolve potential issues in their respective state or region. Documented repair or replacement programs may prove beneficial to all stakeholders involved.

**FOR FURTHER INFORMATION CONTACT:** Richard Sanders at (405) 954–7214, or by e-mail at *richard.sanders@dot.gov;* or Max Kieba at (202) 493–0595, or by e-mail at *max.kieba@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Mechanical couplings are fittings used for joining and pressure sealing two pipes together. Other methods of joining pipe include welding for steel and heat fusion for plastic. There have been improvements in materials and manufacturing methods over the years, but the basic design concept has not changed. Most couplings rely on elastomers and compression as sealing mechanisms. Couplings appear in a variety of configurations: Straight or inline couplings, elbows (45 or 90 degree), tees, reducing couplings (for joining pipes of different diameters), and couplings integrated with risers. A variety of gaskets and sleeves also exist. Properly installed and supported, couplings successfully connect steel, cast iron, copper, and plastic pipes. However, there is also a history of significant incidents related to coupling failures.

Advisory Bulletin ADB–86–02, issued February 26, 1986, informed natural gas pipeline operators to review procedures for using mechanical couplings and ensure coupling design, procedures, and personnel qualifications meet 49 CFR part 192 requirements. ADB–86–02 is posted on PHMSA's Web site and in Docket ID PHMSA–RSPA–2004–19856. The bulletin discussed pipeline failures that had been attributed to temperature-related contraction of the plastic pipe and the inadequate restraint capabilities of mechanical couplings.

Additionally, the National Transportation Safety Board (NTSB) issued a Pipeline Accident Report titled ''National Fuel Gas Company, Natural Gas Explosion and Fire, Sharpsville, Pennsylvania, February 22, 1985'' (NTSB/PAR–85/02). The factors involved in the Sharpsville incident were similar to those of several other incidents reported to PHMSA's Office of Pipeline Safety. As documented in the NTSB report, the cyclic effects of temperature-related contraction and expansion on plastic pipe in an improperly designed mechanical joint can be cumulative and lead to a failure even after several years of satisfactory service.

A number of incidents have occurred since issuance of ADB–86–02. PHMSA searched 3,417 gas distribution incident reports submitted to the agency since 1984, and identified 274 incidents that could potentially include coupling or fitting failures. After closer examination of the incident detail, PHMSA determined 148 of those incidents more reliably appear to be coupling or fitting failures on steel or plastic pipe. Although this accounts for only four to eight percent of all distribution incidents reported to PHMSA, the significant incidents within that data, as well as the potential for additional significant incidents, should not be ignored. Significant incidents include the following: a failure in Buffalo, Minnesota on February 19, 2004 that resulted in significant property damage; a failure in Ramsey, Minnesota on December 28, 2004 that resulted in three fatalities and one serious injury; and, a failure in Wylie, Texas on October 16, 2006 that resulted in two fatalities.

It is important to note that this data only includes incidents that were reportable to PHMSA. These numbers could be much greater if they included incidents that were reported at the State level.

In addition to these incidents, a number of other issues have been cited:

- In 1993, the New York State Public Service Commission (NY PSC) concluded an investigation concerning the increased incidence of leaks attributed to gaskets and gas quality in a coupled steel natural gas distribution system on Long Island.
- In 2005, Washington Gas Company issued a report on the increased incidence of natural gas leaks attributed to gaskets and gas quality on mechanically coupled steel pipe in a major portion of its distribution system.
- In 2005, the Public Utilities Commission of Ohio (PUCO) opened a statewide investigation due to a series of natural gas incidents reported to PUCO by local distribution companies involving risers, the vertical portions of the service lines that connect the distribution systems to customers' meters. In addition to four reportable incidents, a number of ''non-incident'' riser failures were also reported to the staff. The PUCO opened a case to examine riser types, reviewing installation and overall performance because of the potential risk posed by risers as links between the gas distribution service lines and meters, located near or within a customer's premises.
- In addition to the 2004 incidents in Minnesota already discussed, two other incidents occurred in the State. After the first incident, Minnesota's Office of Pipeline Safety began to review the couplings installed in the system in question. The second incident occurred while the study was being conducted.

Between 1980 and 2007, seven incidents occurred in Texas. These are outlined in a February 2008 Railroad Commission of Texas report titled ''Study Report on Compression Type Couplings.'' (*http://www.rrc.state.tx.us/divisions/gs/pls/TXcouplingrpt.pdf*)

These incidents involve a variety of types and sections of couplings or risers. For example, the issues surrounding the Ohio couplings were slightly different than the Texas couplings. Both were related to risers, but the Ohio issues involved the compression mechanisms located aboveground on the risers that connect meter settings to underground service lines. The couplings in Texas have been located on the ends of service risers where service lines connect to risers. While some incidents in question were reportable to PHMSA and investigated by PHMSA, those that were not were investigated by the relevant State pipeline safety agency. This notice does not focus on a particular State, operator, or type of coupling. Rather, it intends to provide generally applicable advice on incidents affecting multiple stakeholders and systems throughout the country.

Although a number of variables exist, the safety problem appears to involve two predominant failure modes. First, in the cases involving pullout of pipe, often plastic, from compression couplings, an additional and perhaps unique factor produced the pullout forces. These additional factors could include cyclic fatigue from changing of the seasons (especially in northern climates), or soil shifting by other means (ground movement from earthquakes or after heavy rains). Improper installation (most couplings currently come with product warnings) or old age (parts of the coupling deteriorating) could also have contributed to the pullout. Some studies found couplings that were installed with components that differed from the original manufacturer specifications, modified prior to installation, or missing parts entirely. As another example of incorrect application, the coupling involved in the Ramsey, Minnesota incident was designed to be used on steel pipe, not plastic, and had a service tee welded to it contrary to manufacturer's recommendations. The common factor in all incidents involving pullout is that the compression fitting did not have adequate restraint to assure safety under service conditions. In some cases, the coupling failed after many years of successful service.

The second failure mode involves leakage through the sealing surface between the coupling and the pipe. This occurred when the integrity of long-term viscous and elastic effects of the seals degraded which eventually caused a leak path to develop. In some cases, a change in the gas quality in the distribution system may have contributed to the failure.

Other contributing factors can also lead to incidents. These factors include leak surveys conducted in conditions that prevent gas from properly migrating to the surface, such as after heavy rains or certain soil and surface features. Some incidents indicated leak surveys involving equipment not calibrated properly or not appropriate for the intended use, or personnel not sufficiently trained. If an operator is doing proper leak surveys at regular intervals, an operator can usually detect a leak early, fix the source of the leak, and prevent an incident. There have, however, been cases where a leak survey, using properly calibrated equipment showing no problems, was followed by an incident involving sudden pullout only weeks later.

Follow-up has already occurred with some of the incidents mentioned in this bulletin:

- The NY PSC and the operator agreed to a replacement program involving approximately 45,000 natural gas service lines equipped with couplings.
- In Ohio, nearly 500,000 risers were identified by the PUCO's study as prone to failure. Currently, the PUCO is working with the operators who have these risers and the Ohio Consumers' Counsel to set up replacement schedules and address costs.
- In May 2005, Minnesota's Office of Pipeline Safety issued a compliance order to an operator to replace service lines installed prior to January 1, 1984, or visually inspect the entire service line to verify it contains only mechanical fittings that comply with 49 CFR 192.283(b). Any mechanical fittings identified that did not meet the requirements were required to be replaced.
- The Railroad Commission of Texas has required operators to replace, within a 2-year period, 97,000 remaining old mechanical couplings that have been in service for some 28 to 30 years. In addition, the Railroad Commission of Texas has adopted mandatory replacement programs in an effort to remove compression couplings found leaking on both steel and plastic pipe that are susceptible to pullout.

A number of other studies, tests, and repair or replacement programs, some of them voluntary, have been conducted in other States.

**II. Advisory Bulletin (ADB–08–02)**

*To:* All Gas Distribution Operators.

*Subject:* Identifying Issues with Mechanical Coupling That Could Lead to Failure.

*Advisory:* Due to variables related to age of couplings, specific procedures and installation practices, and conditions specific to certain regions of the country, it is difficult to cite common criteria affecting all failures that operators should address. However, PHMSA advises operators of gas distribution pipelines using mechanical couplings to do the following to ensure compliance with 49 CFR part 192:

(1) Review procedures for using mechanical couplings, including the coupling design and installation and ensure that they meet manufacturer's recommendations;

(2) Review leak survey procedures to ensure that leak surveys are properly conducted, taking into account other contributing factors (i.e., weather conditions, calibration); and,

(3) Review personnel qualifications to ensure they address leak surveys sufficiently.

PHMSA also advises operators of gas distribution pipelines using mechanical couplings to consider taking the following measures to reduce the risk of failures of mechanical couplings:

(4) Use Category 1 fittings only if mechanical couplings are used on pipe sizes ½″ CTS (Copper Tube Size) to 2″ IPS (Iron Pipe Size). Per ASTM D2513–99 titled ''Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing and Fittings,'' Category 1 is a mechanical joint design that provides a seal plus a resistance to a force on the pipe end equal to or greater than that which will cause a permanent deformation of the pipe. At this time there is insufficient data to indicate there are issues involving fittings for larger diameter pipe. PHMSA will revisit if such issues do arise with larger diameter pipe.

(5) Improve recordkeeping on specific couplings that exist, i.e., their type, installation date, maintenance schedule, and any failures encountered, to help identify a trend of problems that may occur with a specific coupling or type of installation.

(6) Consider whether to adopt a full replacement program if there are too many unknowns related to couplings in service.

(7) Work with Federal and State pipeline safety representatives, manufacturers, and industry partners to determine how best to resolve potential issues in their respective state or region.

Documented repair and replacement programs may prove beneficial to all stakeholders involved. If operators are unsure of the appropriate representative, contact the individual(s) listed in this advisory bulletin for further information.

Issued in Washington, DC, on February 28, 2008.

**Jeffrey D. Wiese,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. E8–4155 Filed 3–3–08; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Additional Designations of Entities Pursuant to Executive Order 13448

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of two newly-designated entities whose property and interests in property are blocked pursuant to Executive Order 13448 of October 18, 2007, ''Blocking Property and Prohibiting Certain Transactions Related to Burma.''

**DATES:** The designation by the Director of OFAC of two entities identified in this notice, pursuant to Executive Orders 13448, is effective February 25, 2008.

**FOR FURTHER INFORMATION CONTACT:** Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW., (Treasury Annex), Washington, DC 20220, Tel.: 202/622–2490.

**SUPPLEMENTARY INFORMATION:**

**Electronic and Facsimile Availability**

Information about these designations and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov.ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

**Background**

On October 18, 2007, the President signed Executive Order 13448 (the ''Order'') pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). In the Order, the President took additional steps with respect to, and expanded, the national emergency declared in Executive Order 13047 of May 20, 1997, to address the Government of Burma's continued repression of the democratic opposition. The President identified twelve individuals and entities as subject to the economic sanctions in the Annex to the Order.

Section 1 of the Order blocks, with certain exceptions, all property and

consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the twelve applicants, two of the drivers were involved in crashes and none were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the twelve applicants listed in the notice of February 6, 2012 (77 FR 5874).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the twelve individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

**Discussion of Comments**

FMCSA received no comments in this proceeding.

**Conclusion**

Based upon its evaluation of the twelve exemption applications, FMCSA exempts Eugenio V. Bermudez (MA), John A. Carroll, Jr. (AL), Mark W. Crocker (TN), Johnny Dillard (SC), Keith J. Haaf (VA), Edward M. Jurek (NY), Allen J. Kunze (ND), Jack W. Murphy, Jr. (OH), Mark A. Smalls (GA), Glenn R. Theis (MN), Peter A. Troyan (MI) and Gary Vines (AL) from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: March 9, 2012.

**Larry W. Minor,**

*Associate Administration for Policy.*

[FR Doc. 2012–7084 Filed 3–22–12; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

**[Docket No. PHMSA–2012–0039]**

### Pipeline Safety: Cast Iron Pipe (Supplementary Advisory Bulletin)

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice; Issuance of Advisory Bulletin.

**SUMMARY:** PHMSA is issuing an advisory bulletin to owners and operators of natural gas cast iron distribution pipelines and state pipeline safety representatives. Recent deadly explosions in Philadelphia and Allentown, Pennsylvania involving cast iron pipelines installed in 1942 and 1928, respectively, gained national attention and highlight the need for continued safety improvements to aging gas pipeline systems. This bulletin is an update of two prior Alert Notices (ALN–91–02; October 11, 1991 and ALN–92–02; June 26, 1992) covering the continued use of cast iron pipe in natural gas distribution pipeline systems. This advisory bulletin reiterates two prior Alert Notices which remain relevant, urges owners and operators to conduct a comprehensive review of their cast iron distribution pipelines and replacement programs and accelerate pipeline repair, rehabilitation and replacement of high-risk pipelines, requests state agencies to consider enhancements to cast iron replacement plans and programs, and alerts owners and operators of the pipeline safety requirements for the investigation of failures. In addition, the latest survey and reporting requirements of cast iron pipelines required by the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 are included for information.

**ADDRESSES:** This document can be viewed on the Office of Pipeline Safety home page at: *http://ops.dot.gov*.

**FOR FURTHER INFORMATION CONTACT:** Jeff Gilliam, Director, Engineering and Research, 202–366–0568 or by email at *Jeffery.Gilliam@dot.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On January 18, 2011, an explosion and fire caused the death of one gas utility employee and injuries to several other people while gas utility crews were responding to a natural gas leak in Philadelphia, PA. A preliminary investigation found a circumferential

break on a 12-inch cast iron distribution main that was installed in 1942, and was operating at 17 pounds per square inch gauge (psig) pressure at the time of incident. An investigation continues toward finding the cause.

On February 9, 2011, five people lost their lives and a number of homes were destroyed and other properties impacted by an explosion and subsequent fire in Allentown, PA. A preliminary investigation found a crack in a 12-inch cast iron natural gas distribution main that was installed in 1928, and was operating at less than 1 psig at the time of incident. The crack was located below grade near the destroyed homes. An investigation continues toward finding the cause.

*Alert Notice (ALN–91–02)*

On October 11, 1991, PHMSA's predecessor agency, the Research and Special Programs Administration (RSPA), issued Pipeline Safety Alert Notice (ALN–91–02) alerting pipeline operators of National Transportation Safety Board recommendation P–91–12 in response to the August 1990 explosion and fire in Allentown, PA, caused by a crack in a 4-inch cast iron gas main. The recommendation stated:

''Require each gas operator to implement a program, based on factors such as age, pipe diameter, operating pressure, soil corrosiveness, existing graphitic damage, leak history, burial depth, and external loading, to identify and replace in a planned, timely manner cast iron piping systems that may threaten public safety.''

The Alert Notice informed distribution pipeline operators with cast iron pipe of the following:

—The Gas Piping Technology Committee developed guide material to assist them in developing procedures for determining the serviceability of the cast iron pipe and to identify the cast iron pipe segments that may need replacement.
—Computer programs are commercially available that can be used to develop a systematic replacement program for cast iron pipe.
—Pipeline safety regulations require that cast iron pipe on which general graphitization is found to a degree where a fracture might result must be replaced. In addition, the regulations require that cast iron pipe that is excavated must be protected against damage. An operator's compliance with the above guidelines and code requirements can be enhanced by incorporating all of the operator's cast iron responsibilities in an effective cast iron management program that is designed to identify and replace or remove from service cast iron pipe that may threaten the public.

*Alert Notice (ALN–92–02)*

On June 26, 1992, RSPA issued a Pipeline Safety Alert Notice (ALN–92–02) as a Supplementary Alert Notice to the 1991 Alert Notice. The Supplementary Alert Notice reminded pipeline operators of the requirement at 49 CFR 192.613 that each operator have a procedure for continuing surveillance of its pipeline facilities to identify problems and take appropriate action concerning failures, leakage, history, corrosion, and other unusual operating and maintenance conditions. This procedure should also include surveillance of cast iron to identify problems and to take appropriate action concerning graphitization.

## II. Advisory Bulletin (ADB–2012–05)

*To:* Each Owner and Operator of a Natural Gas Cast Iron Distribution Pipeline Facility and State Pipeline Safety Representatives.

*Subject:* Cast Iron Pipe (Supplementary Advisory Bulletin).

*Purpose:* To Address Continued Concerns Rising Out of Recent Cast Iron Incidents.

*Advisory:*

On October 11, 1991, Alert Notice (ALN–91–02) was issued reminding all operators of natural gas distribution systems to have a program to identify and replace cast iron piping systems that may threaten public safety. RSPA also informed operators of guidelines and computer programs that were available to help operators determine the serviceability of cast iron pipe and schedule its replacement or retirement. On June 26, 1992, Alert Notice (ALN–92–02) was issued informing pipeline operators that § 192.613 required each operator to have a procedure for continuing surveillance of its pipeline facilities to identify problems and take appropriate action concerning failures, leakage, history, corrosion, and other unusual operating and maintenance conditions. This procedure should also include surveillance of cast iron to identify problems and to take appropriate action concerning graphitization. The two Alert Notices remain relevant, and reaffirm the need for operators of gas cast iron distribution systems to maintain an effective cast iron management program.

PHMSA urges owners and operators to conduct a comprehensive review of their cast iron distribution pipeline systems and replacement programs and to accelerate pipeline repair, rehabilitation, and replacement of aging and high-risk pipe. Recent incidents, such as the deadly explosions in Philadelphia and Allentown, Pennsylvania involving cast iron pipe failures, have focused attention on our Nation's aging pipeline infrastructure and underline the importance of having valid methods for evaluating the integrity of pipelines to better ensure public safety. PHMSA recommends owners and operators of natural gas cast iron pipelines assure their replacement program models are based on relevant risk factors.

In addition, PHMSA reminds owners and operators of cast iron distribution pipelines of their responsibility for the investigation of all failures and that each operator must establish procedures for analyzing incidents and failures, including laboratory examination of failed pipe segments and equipment, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence [192.617]. Owners and operators are required to review pipeline records, validate safe pipeline operating pressure levels and accelerate repairs and replacement where improvements in safety are necessary. The Distribution Integrity Management Program (DIMP) requires natural gas distribution companies to develop and implement DIMP for the pipelines they own, operate or maintain.

PHMSA is asking owners and operators of cast iron distribution pipelines and state pipeline safety representatives to consider the following where improvements in safety are necessary:

—Request, review and monitor operator cast iron replacement plans and programs, actively encourage operators to develop and continually update and follow their plans, and consider establishment of mandated replacement programs.
—Establish accelerated leakage survey frequencies or leak testing considering results from failure investigations and environmental risk factors.
—Focus pipeline safety efforts on identifying the highest risk pipe.
—Use rate adjustments and flexible rate recovery mechanisms to incentivize pipeline rehabilitation, repair and replacement programs.
—Strengthen pipeline safety inspections, accident investigations and enforcement actions.
—Install interior/home methane gas alarms.

The Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, was signed into law (Pub. L. 112–90) on January 3, 2012. Section 7 of the new law requires the U.S. Department of Transportation to measure every two years the progress that owners and operators of pipeline facilities have made in adopting and implementing their plans for the safe management and replacement of cast iron gas pipelines. Additionally, not later than December 31, 2013, the Secretary of Transportation must submit to Congress a report that — (1) Identifies the total mileage of cast iron gas pipelines in the United States; and (2) evaluates the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.

PHMSA is committed to working with owners and operators of natural gas cast iron distribution pipelines and state pipeline safety representatives to ensure our Nation's pipeline infrastructure is safe and well-maintained.

Issued in Washington, DC, on March 20, 2012.

**Jeffrey D. Wiese,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 2012–7080 Filed 3–22–12; 8:45 am]

**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[Docket No. FD 35605]**

### RailAmerica, Inc., Palm Beach Rail Holding, Inc., RailAmerica Transportation Corp., RailTex, Inc., Fortress Investment Group, LLC, and RR Acquisition Holding, LLC—Control Exemption—Wellsboro & Corning Railroad, LLC

RailAmerica, Inc. (RailAmerica), Palm Beach Rail Holding, Inc. (Palm Beach), RailAmerica Transportation Corp. (RTC), RailTex, Inc. (RailTex), Fortress Investment Group, LLC (Fortress), and RR Acquisition Holding, LLC (RR Acquisition) (collectively, RailAmerica *et al.*), have filed a verified notice of exemption to acquire indirect control of the Wellsboro & Corning Railroad, LLC (W&C), a Class III rail carrier, through the acquisition of control of TransRail Holdings, LLC (TransRail), the parent of W&C, by RailTex.

The proposed transaction is scheduled to be consummated on or after April 7, 2012 (30 days after the notice of exemption was filed).

W&C acquired the assets of the Wellsboro & Corning Railroad Co.[1] W&C owns and operates 35.5 miles of track between Wellsboro, PA., milepost 109.90, and Erwin, N.Y., milepost 74.70, in Tioga County, PA., and Steuben County, N.Y. W&C interchanges traffic with the Norfolk Southern Railway Company and the Canadian Pacific Railway Company.

According to the verified notice of exemption, RailTex entered a Unit Purchase Agreement dated January 31, 2012 (the Agreement), with (1) TransRail, (2) Industrial Waste Group, LLC (IWG), (3) Wellsboro & Corning Railroad Co., and (4) A. Thomas Myles III, A. Thomas Myles IV, and William Myles (the MG Principals). The MG Principals own TransRail, and TransRail owns W&C and the successor to IWG. Under the Agreement, RailTex will acquire 100% of the Class A Common Units of TransRail, giving RailTex a 70% ownership interest in TransRail and control of W&C through TransRail. The MG Principals will retain the Class B Common Units of TransRail, thereby retaining a 30% interest in TransRail, though they will not retain control or the power to control W&C.

Fortress' noncarrier affiliate, RR Acquisition, currently owns about 60% of the publicly traded shares and controls the noncarrier RailAmerica, which directly controls the noncarrier Palm Beach, which directly controls the noncarrier RTC.

RailAmerica states that it controls the following Class III rail carriers: (1) Alabama & Gulf Coast Railway LLC; (2) Arizona & California Railroad Company; (3) Bauxite & Northern Railway Company; (4) California Northern Railroad Company; (5) Cascade and Columbia River Railroad Company; (6) Central Oregon & Pacific Railroad, Inc.; (7) The Central Railroad Company of Indiana; (8) Central Railroad Company of Indianapolis; (9) Connecticut Southern Railroad, Inc.; (10) Conecuh Valley Railway, LLC; (11) Dallas, Garland & Northeastern Railroad, Inc.; (12) Delphos Terminal Railroad Company, Inc.; (13) Eastern Alabama Railway, LLC; (14) Huron & Eastern Railway Company, Inc.; (15) Indiana & Ohio Railway Company; (16) Indiana Southern Railroad, LLC; (17) Kiamichi Railroad Company, LLC; (18) Kyle Railroad Company; (19) The Massena Terminal Railroad Company; (20) Mid-Michigan Railroad, Inc.; (21) Missouri & Northern Arkansas Railroad Company, Inc.; (22) New England Central Railroad, Inc.; (23) North Carolina & Virginia Railroad Company, LLC; (24) Otter Tail Valley Railroad Company, Inc.; (25) Point Comfort & Northern Railway Company; (26) Puget Sound & Pacific Railroad; (27) Rockdale, Sandow & Southern Railroad Company; (28) San Diego & Imperial Valley Railroad Company, Inc.; (29) San Joaquin Valley Railroad Company; (30) South Carolina Central Railroad Company, LLC; (31) Three Notch Railway, LLC; (32) Toledo, Peoria & Western Railway Corporation; (33) Ventura County Railroad Corp.; and (34) Wiregrass Central Railway, LLC.[2]

Further, Fortress, on behalf of other equity funds managed by it and its affiliates, directly controls the noncarrier FECR Rail LLC, which directly controls FEC Rail Corp., which directly controls Florida East Coast Railway, LLC, a Class II rail carrier.

RailAmerica et al. states that: (1) W&C does not connect with any of RailAmerica's subsidiary railroads; (2) the proposed transaction is not part of a series of anticipated transactions to connect W&C and any of RailAmerica's subsidiary railroads; and (3) the proposed transaction does not involve a Class I rail carrier. The proposed transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11323 pursuant to 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because the transaction involves the control of one or more Class III rail carriers and one Class II rail carrier, the transaction is subject to the labor protective requirements of 49 U.S.C. 11326(b) and *Wisconsin Central Ltd.—Acquisition Exemption—Lines of Union Pacific Railroad,* 2 S.T.B. 218 (1997).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed by March 30, 2012 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 35605 must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: March 20, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Raina S. White,**

*Clearance Clerk.*

[FR Doc. 2012–7054 Filed 3–22–12; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[Docket No. EP 290 (Sub-No. 5) (2012–2)]**

### Quarterly Rail Cost Adjustment Factor

**AGENCY:** Surface Transportation Board, Department of Transportation.

**ACTION:** Approval of rail cost adjustment factor.

[1] *Wellsboro & Corning R.R.—Acquis. & Operation Exemption—Wellsboro & Corning R.R.,* FD 35595 (STB served Feb. 22, 2012).

[2] On February 3, 2012, in Docket No. FD 35592, RailAmerica et al. filed a petition for exemption from the prior approval requirements of 49 U.S.C. 11323–25 to acquire control of Marquette Rail, LLC, a Class III rail carrier. The Board issued a notice on February 28, 2012, instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b).