

management programs. This advisory bulletin provides additional information concerning on-line reporting of performance measures for the report due in February 2005.

#### Advisory Bulletin (ADB-05-01)

*To:* Operators of gas transmission pipelines.

*Subject:* Semi-Annual Reporting of Integrity Management Performance Measures in 49 CFR 192.945.

*Purpose:* To provide guidance to operators for making required semi-annual submission of performance measures for integrity management.

*Advisory:* Operators are required by 49 CFR 192.945 to submit integrity management performance measures semi-annually. RSPA/OPS developed an electronic form to facilitate submission of the required measures. This form is available on the RSPA/OPS Home Page (<http://ops.dot.gov>) for "Gas IMP Reporting". RSPA/OPS strongly encourage operators to submit data using the electronic form, since this minimizes future transcription and handling, and lessens the chance for error. Operators may also submit the information by mail or facsimile, addressed to RSPA/OPS, 400 7th Street, SW., Room 2103, Washington, DC 20590. The fax number is (202) 366-4566. Please clearly notate your correspondence with "Gas IMP Reporting".

The four overall performance measures that gas transmission pipeline operators are required to submit are the:

1. Number of pipeline miles inspected versus program requirements;
2. Number of immediate repairs completed as a result of the integrity management inspection program;
3. Number of scheduled repairs completed as a result of the integrity management program; and
4. Number of leaks, failures, and incidents (classified by cause).

With respect to the first performance measure, the phrase "versus program requirements" refers to the number of miles of the operator's pipeline system that require assessment in accordance with Subpart O, (*i.e.*, the number of miles in high consequence areas.) Operators were not required to have developed their integrity management programs and baseline inspection plans until December 17, 2004, and thus may not have known the total number of miles that would require assessment at the time the first report was due (August 31, 2004). Similarly, operators may not have known, at that time, what repairs were reportable, since they may not have known which were made in high consequence areas. For these reasons,

Advisory Bulletin ADB-04-02 advised operators that the quantitative performance measures would not be required for the first (August 31, 2004) report. That report, instead, allowed operators to report that they had begun assessment activities by June 17, 2004, in conformance with the Pipeline Safety Improvement Act of 2002 (codified at 49 U.S.C. 60109(c)).

The December 17, 2004, deadline for identifying high consequence areas has now passed. Operators should be aware of how many miles of their pipeline system are in high consequence areas and where those areas are located. Operators should have all of the information needed for the overall quantitative performance measures required by the rule. Operators must include the quantitative information in their February 2005 reports and in subsequent semi-annual submissions, unless the requirement is changed by future rulemaking. The February 2005 report should include data covering all of calendar year 2004, (*i.e.*, it should include the quantitative data that would have been reported in August 2004 but for which reporting was deferred by the earlier advisory bulletin.) Failure to submit performance measures in accordance with the rule could result in enforcement action.

The electronic report form provides a template with data fields that operators can complete to submit the required quantitative performance measures for 2004 (report due February 28, 2005). Operators who submit by mail or facsimile should similarly include all of the quantitative information required by the rule and the referenced standard.

The rule does not now require that performance measures be submitted separately for each state in which a pipeline operator operates. State pipeline safety authorities will have significant involvement in oversight of the implementation of integrity management requirements for gas transmission pipelines and performance measure information for their state will be useful for prioritizing and managing this work. RSPA/OPS is considering a change to the rule that would require operators to report separately for each state in which they have transmission pipeline. In the meantime, RSPA/OPS encourages operators with transmission pipeline in more than one state to submit their integrity management performance measure information separately for each state.

Issued in Washington, DC, on January 12, 2005.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34641]

#### Nicholas B. Temple and Eric Temple— Control Exemption—Central Washington Railroad Company

Nicholas B. Temple and Eric Temple (Petitioners), noncarrier individuals, have filed a verified notice of exemption for Petitioners to control Central Washington Railroad Company (CWA), upon CWA's becoming a Class III rail carrier.

The transaction was expected to be consummated on or after December 29, 2004.

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 34640, *Central Washington Railroad Company—Lease and Operation Exemption—The Burlington Northern and Santa Fe Railway Company*. In that proceeding, CWA seeks to lease, from The Burlington Northern and Santa Fe Railway Company, and operate approximately 41.57 miles of rail line in Washington State and to acquire specified incidental trackage rights.

Petitioners also control the Columbia Basin Railroad Company, Inc. (CBRW), which leases and operates property in the State of Washington.<sup>1</sup>

Petitioners state that: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 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. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here,

<sup>1</sup> Each Petitioner has a 50% ownership interest in CBRW.

because all of the carriers involved are Class III carriers.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34641, 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 Rose-Michele Weinryb, Esq., Weiner Brodsky Sidman Kider PC, 1300 19th St., NW., Fifth Floor, Washington, DC 20036-1609.

Board decisions and notices are available on our website at "<http://www.stb.dot.gov>."

Decided: January 12, 2005.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05-1112 Filed 1-19-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34640]

#### Central Washington Railroad Company—Lease and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

Central Washington Railroad Company (CWA), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease, from The Burlington Northern and Santa Fe Railway Company (BNSF), and operate approximately 41.57 miles of rail line extending: (1) From approximately milepost 33.5 at or near Gibbon, WA, to approximately milepost 63.5 at or near Granger, WA; (2) from approximately milepost 0.0 at or near Yakima, WA, to approximately milepost 2.97 at or near Fruitvale, WA; (3) from approximately milepost 0.0 at or near Yakima to approximately milepost 8.6 at or near Moxee City, WA, as well as certain related yard, industry, side and spur tracks (including the Boise Spur).

In addition, CWA will acquire by assignment from BNSF certain incidental trackage rights over the lines of the Union Pacific Railroad Company (UP)<sup>1</sup> as follows: (1) At Biggam, WA,

from approximately UP milepost 48.2 to approximately UP milepost 49.52; (2) at Grandview, WA, from approximately UP milepost 57.3 at Elm Street to approximately UP milepost 58.75; (3) at Midvale, WA, from approximately UP milepost 62.75 to approximately UP milepost 63.75 (4) from approximately UP milepost 73.4 at Granger, WA, to approximately UP milepost 78.5 at Zillah, WA; (5) at Sunnyside, WA, from approximately UP milepost 0.0 to approximately UP milepost 3.21, which trackage rights provide CWA with limited access to UP customers from the CWA leased line from Granger to Gibbon, WA;<sup>2</sup> and (6) from approximately UP milepost 94.5 at Union Gap, WA, to approximately UP milepost 98.07 at the end of the line at Yakima (as well as the yard tracks in UP's Yakima Yard) (Union Gap Trackage), which will provide CWA with limited access to UP customers.<sup>3</sup>

CWA will also acquire incidental overhead trackage rights from BNSF over the BNSF line at Yakima from approximately milepost 89.0 to approximately milepost 92.0 (as well as adjacent running and yard tracks), which connect the separate elements of the CWA leased lines at Yakima, provide interchange access with BNSF at BNSF's Yakima Yard, and facilitate CWA reaching the Union Gap Trackage.

This transaction is related to STB Finance Docket No. 34641, *Nicholas B. Temple and Eric Temple—Control Exemption—Central Washington Railroad Company* wherein Nicholas B. Temple and Eric Temple have filed a verified notice of exemption to control CWA upon its becoming a Class III rail carrier.

CWA certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and states that such revenues will not exceed \$5 million annually. The transaction was scheduled to be consummated on or after December 29, 2004.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34640, must be filed with the Surface Transportation Board, 1925

which was anticipated to occur on or before December 30, 2004.

<sup>2</sup> This UP traffic will be interchanged with BNSF at Gibbon.

<sup>3</sup> This UP traffic will be interchanged with BNSF at BNSF's Yakima Yard.

K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Rose-Michele Weinryb, Esq., Weiner Brodsky Sidman Kider PC, 1300 19th St., NW., Fifth Floor, Washington, DC 20036-1609.

Board decisions and notices are available on our website at "<http://www.stb.dot.gov>."

Decided: January 12, 2005.

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

**Vernon A. Williams,**

*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34639]

#### Calumet Transload and Railroad, LLC—Lease and Operation Exemption—Rail Line of Calumet Transfer, LLC

Calumet Transload and Railroad, LLC (CTRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease, from Calumet Transfer, LLC (CT), also a noncarrier, and operate a 1-mile line of railroad located on property owned by CT abutting the Calumet River in Chicago, IL.

CTRR certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier. The transaction was scheduled to be consummated on January 1, 2005.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34639, 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 David C. Dillon, Dillon & Nash, Ltd., 111 West Washington Street, Suite 719, Chicago, IL 60602.

Board decisions and notices are available on our Web site at "[www.stb.dot.gov](http://www.stb.dot.gov)."

Decided: January 12, 2005.

<sup>1</sup> The assignment of the incidental trackage rights over the UP lines is subject to the consent of UP,