

Rail Transit Systems, 65 FR 42626 (July 10, 2000).

In September 2004, the FRA Railroad Safety Board granted an extension of HARTLine's original waiver and its conditions for a period of eight months. HARTLine is now notifying the FRA of some modifications to its operating plan and equipment, and is requesting a permanent waiver of compliance, to include these modifications.

Based on the foregoing and with some modifications, HARTLine is seeking to renew its existing waiver of compliance from the provisions of the Code of Federal Regulations, 49 CFR part 219—Control of Alcohol and Drug Use, 49 CFR part 223 Safety Glazing Standards, and 49 CFR part 238—Passenger Equipment Safety Standards.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2002-13398) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC, on February 23, 2005.

**Grady C. Cothen,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### New Jersey Transit

[Docket Number FRA-2004-18577]

New Jersey Transit (NJ Transit) seeks a modification to its waiver granted September 29, 2004. NJ Transit was granted a waiver of compliance from the provisions of the Federal Track Safety Standards, 49 CFR 213.345, subpart G, regarding use of instrumented wheelset tests (IWS) for vehicle qualification testing of its new COMET V coach equipment. In lieu of the IWS tests, NJ Transit demonstrated similarity with in-service COMET IV coach equipment through testing with accelerometers. The testing verified that the design and performance of each type of equipment was substantially the same and NJ Transit was granted a waiver allowing its COMET V coach equipment to operate at maximum speed of 100 mph and three inches of cant deficiency on AMTRAK's NEC between Newark, NJ and Philadelphia, PA.

NJ Transit is asking the Federal Railroad Administration to modify the language of the waiver to extend the operating limits of this equipment to New York City, NY, in order to eliminate operational issues and the need to list equipment on the Northeast Corridor (NEC) timetable with different speeds for different locations. NJ Transit seeks further modification so that the original waiver will also apply to identical Metro North Railroad (MNCW) COMET V coach equipment (NJ Transit operates MNCW's Port Jervis, NY Line from Port Jervis, NY to Hoboken, NJ) that is used interchangeably by NJ Transit in NEC trainsets between Newark, NJ and Philadelphia, PA.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires

an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2004-18577) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC, on February 18, 2005.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety.*

[FR Doc. 05-4139 Filed 3-2-05; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

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

**AGENCY:** Pipeline and Hazardous Materials Safety Administration, 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 exemption 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.

**FOR FURTHER INFORMATION CONTACT:** Delmer Billings, Office of Hazardous Materials Exemptions and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., 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 exemption applications.

**Meaning of Application Number Suffixes**

N—New application.  
M—Modification request.  
X—Renewal.

PM—Party to application with modification request.

Issued in Washington, DC, on February 28, 2005.

**R. Ryan Posten,**

*Exemptions Program Officer, Office of Hazardous Materials Safety, Exemptions and Approvals.*

**NEW EXEMPTION APPLICATIONS**

| Application No. | Applicant   | Reason for delay | Estimated date of completion |
|-----------------|---|------------------|------------------------------|
| 12381-N         | Ideal Chemical & Supply Co., Memphis, TN  | 2                | 04-30-2005                   |
| 12950-N         | Walnut Industries, Inc., Bensalem, PA   | 4                | 04-30-2005                   |
| 13183-N         | Becton Dickinson, Sandy, UT   | 4                | 04-30-2005                   |
| 13176-N         | Union Pacific Railroad Company, Omaha, NE   | 4                | 04-30-2005                   |
| 13422-N         | Puritan Bennett, Plainfield, IN   | 3                | 04-30-2005                   |
| 13054-N         | CHS Transportation, Mason City, IA  | 4                | 04-30-2005                   |
| 13188-N         | General Dynamics, Lincoln, NE   | 3                | 04-30-2005                   |
| 13281-N         | The Dow Chemical Company, Midland, MI   | 4                | 04-30-2005                   |
| 13265-N         | Aeropres Corporation, Shreveport, LA  | 4                | 03-31-2005                   |
| 13776-N         | MHF Logistical Solutions, Cranberry Twp., PA  | 4                | 04-30-2005                   |
| 13599-N         | Air Products and Chemicals, Inc., Allentown, PA   | 4                | 03-31-2005                   |
| 13636-N         | Timberline Environmental Services, Cold Springs, CA   | 4                | 04-30-2005                   |
| 13582-N         | Linde Gas LLC (Linde), Independence, OH   | 4                | 04-30-2005                   |
| 13563-N         | Applied Companies, Valencia, CA   | 4                | 04-30-2005                   |
| 13547-N         | CP Industries, McKeesport, PA   | 4                | 04-30-2005                   |
| 13482-N         | U.S. Vanadium Corporation (Subsidiary of Strategic Minerals Corporation), Niagara Falls, NY | 4                | 03-31-2005                   |
| 13346-N         | Stand-By-Systems, Inc., Dallas, TX  | 1                | 04-30-2005                   |
| 13347-N         | ShipMate, Inc., Torrance, CA  | 4                | 04-30-2005                   |
| 13856-N         | Dow Chemical Company, Midland, MI   | 4                | 03-31-2005                   |
| 13858-N         | US Ecology Idaho, Inc. (USEI), Grand View, ID   | 4                | 03-31-2005                   |
| 13859-N         | Degussa Corporation, Parsippany, NJ   | 4                | 04-30-2005                   |
| 13860-N         | United States Enrichment Corporation (USEC), Paducah, KY                                    | 4                | 04-30-2005                   |
| 13341-N         | National Propane Gas Association, Washington, DC  | 1                | 04-30-2005                   |
| 13302-N         | FIBA Technologies, Inc., Westboro, MA   | 4                | 04-30-2005                   |
| 13314-N         | Sunoco Inc., Philadelphia, PA   | 4                | 04-30-2005                   |
| 13309-N         | OPW Engineered Systems, Lebanon, OH   | 4                | 04-30-2005                   |
| 13295-N         | Taylor-Wharton, Harrisburg, PA  | 1                | 04-30-2005                   |
| 13266-N         | Luxfer Gas Cylinders, Riverside, CA   | 1                | 04-30-2005                   |
| 13228-N         | AirSep Creekside Corp., Buffalo, NY   | 4                | 04-30-2005                   |
| 7277-M          | Structural Composites Industries, Pomona, CA  | 3                | 04-30-2005                   |
| 10319-M         | Amtrol, Inc. West Warwick, RI   | 4                | 03-31-2005                   |
| 12284-M         | The American Traffic Safety Services Assn. (ATSSA), Fredericksburg, VA                      | 1                | 04-30-2005                   |
| 6263-M          | Amtrol, Inc., West Warwick, RI  | 4                | 03-31-2005                   |
| 11536-M         | The Boeing Company, Los Angeles, CA   | 4                | 03-31-2005                   |
| 13027-M         | Hernco Fabrication & Services, Midland, TX  | 4                | 03-31-2005                   |
| 11579-M         | Dyno Nobel, Inc., Salt Lake City, UT  | 4                | 03-31-2005                   |
| 11241-M         | Rohm and Haas Co., Philadelphia, PA   | 1                | 03-31-2005                   |
| 7280-M          | Department of Defense, Ft. Eustis, VA   | 4                | 03-31-2005                   |
| 10019-M         | Structural Composites Industries, Pomona, CA  | 3                | 04-30-2005                   |
| 8162-M          | Structural Composites Industries, Pomona, CA  | 3                | 04-30-2005                   |
| 10915-M         | Luxfer Gas Cylinders (Composite Cylinder Division), Riverside, CA                           | 1                | 03-31-2005                   |
| 10878-M         | Tankcon FRP Inc., Boisbriand, Qc  | 1, 3             | 03-31-2005                   |
| 9421-M          | Taylor-Wharton (Gas & Fluid Control Group), Harrisburg, PA                                  | 4                | 03-31-2005                   |
| 12022-M         | Taylor-Wharton (Gas & Fluid Control Group), Harrisburg, PA                                  | 4                | 03-31-2005                   |
| 8718-M          | Structural Composites Industries, Pomona, CA  | 3                | 04-30-2005                   |
| 9649-X          | U.S. Department of Defense, Fort Eustis, VA   | 1                | 04-30-2005                   |

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA-04-18757; Notice 2]

#### Pipeline Safety: Grant of Waiver; Columbia Gas Transmission

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

**ACTION:** Notice; grant of waiver.

**SUMMARY:** The Office of Pipeline Safety (OPS) is granting Columbia Gas Transmission's (Columbia) petition for a waiver of the pipeline safety regulations to install fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations.

#### SUPPLEMENTARY INFORMATION:

##### Background

Columbia has petitioned OPS for a waiver from compliance with 49 CFR 192.53(c), 192.121, 192.123, and 192.619(a) to allow for installation and operation of fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations. Columbia is proposing to install approximately 4,200 feet of 4-inch Fiber® spooled, non-metallic composite line pipe in its Dundee Storage Field.

On September 8, 2004, OPS published a notice in the **Federal Register** requesting public comment on Columbia's waiver request (69 FR 054345). The cities of Charlottesville and Richmond, Virginia (jointly referred to as "Cities") submitted several comments in response to the Notice.

As Columbia customers, the Cities are concerned that granting this waiver may diminish Columbia's ability to provide reliable firm storage and natural gas transportation service. The Cities contends that if Columbia's ability is diminished, then, the Cities reliability to deliver natural gas to its customers may be diminished as well.

The following are the Cities comments regarding Columbia's petition for waiver:

(1) Fiberspar's® fiberglass reinforced polyethylene plastic pipe has no track record thus it is difficult to determine whether or not the proposed material is reliable over the long term.

This waiver requires Columbia to schedule five inspections to perform both non-destructive and destructive testing on this pipe material after installation. The inspections and tests

will be performed 1, 2.5, 5, 7.5, and 10 years after installation. This waiver requires Columbia to remove a minimum ten foot pipe segment for inspection during each inspection; non-destructive testing will focus on the composition and degradation of the pipe material and destructive testing will be a hydrotest to burst pressure.

(2) The Cities commented that the Fiber® pipe material has not been tested by an independent research authority.

Columbia and Fibers® have been engaged in meetings and discussion regarding the research involved in the development of this pipe material. OPS is aware that Fiber® has not had this pipe material tested and rated before the American Society for Testing and Materials (ASTM)—an independent research authority recognized by OPS—OPS also believes that vendors like Fiberspar's® should submit their product(s) for proper testing and development and meet ASTM standards. For this reason and as a condition of this waiver, OPS will limit Columbia's use of this pipe material to five years unless Fiber® submits this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation. If Fiber® fails to submit this pipe material to ASTM for testing, Columbia will be required to discontinue use of this pipe material at the end of the 5th year following installation and conform to the regulatory requirements of 49 CFR §§ 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(3) The Cities commented that it will be unable to deliver firm storage service to its customers if Columbia determines this pipe material to be unreliable.

Columbia's responsibility to provide reliable gas service to its customers is not diminished by this waiver or its use of this pipe material. By issuing this waiver, OPS believes Columbia will continue to provide reliable service to its customers. If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(4) The Cities commented that the 0.67 service (design) factor contained in

the design formula results in a lower safety factor than the 0.32 design factor contained in the design formula under § 192.121.

Columbia seeks approval to use the following design formula from API 15HR:

$$P_r = S_s \times S_f \times (R_i^2 - R_0^2) / (R_0^2 + R_i^2)$$

Where:

$P_r$  = Fiber® Line Pipe Standard Pressure Rating, psig

$S_s$  = 95 percent Lower Confidence Limit (LCL) of the Long-Term Hydrostatic Strength (LTHS) @ 20 years per ASTM D 2992, Procedure B, psig

$S_f$  = 0.67 service (design) factor per API 15 HR.

$R_0$  = radius of the pipe at the outside of the minimum reinforced wall thickness, inches

$R_i$  = radius of the pipe at the inside of the minimum reinforced wall thickness, inches

Fiberspar® uses a service factor in its calculation of the Standard Pressure Rating,  $P_r$ , which is 25% less than the maximum service factor required by API 15HR. API 15HR requires a service factor of 0.67. By using a service factor which is 25% less, the result is an increase in the long-term reliability of this pipe material.

(5) The Cities commented that Columbia's choice to use plastic pipe increases the risk of pipe damage by a backhoe.

This waiver does not waive Columbia's responsibility to meet the excavation requirements of the Federal pipeline safety standards. Columbia is required to have excavation procedures in their Operations and Maintenance manual and their personnel are expected to be familiar with and follow those procedures whenever construction near the pipeline is being performed.

(6) The Cities commented that Columbia did not specify how they intend to comply with the requirements of one-call notification.

Columbia is required to have a damage prevention program in place and documented in their Operations and Maintenance manual. Columbia's personnel are expected to be familiar with and follow that program whenever events required them to do so. The waiver does not relieve Columbia from its responsibility to meet the one-call notification requirements of the Federal pipeline safety standards.

#### Grant of Waiver

Based on the above information, OPS hereby grants Columbia's request for waiver from the requirements of 49 CFR §§ 192.53(c), 192.121, 192.123, and 192.619(a). The waiver allows Columbia