

provisions of Federal transit laws (49 U.S.C. 5323(b), and 5324), the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR part 93), the section 404(b)(1) guidelines of EPA (40 CFR part 230), the regulation implementing section 106 of the National Historic Preservation Act (36 CFR part 800), the regulation implementing section 7 of the Endangered Species Act (50 CFR part 402), section 4(f) of the Department of Transportation Act (23 CFR part 774), and Executive Orders 12898 on environmental justice, 11988 on floodplain management, and 11990 on the protection of the wetlands.

The FTA regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), requires that FTA and METRO (1) invite other Federal and non-Federal agencies and Native American Tribes that may have an interest in the proposed project to become "participating agencies;" (2) provide an opportunity for involvement by participating agencies and the public to help define the purpose and need, and the range of alternatives for consideration; and (3) establish a plan for coordinating public and agency participation in, and comment on, the environmental review. It is possible that FTA and METRO will not be able to identify all Federal and non-Federal agencies and Native American Tribes that may have such an interest. Any Federal or non-Federal agency or Native American Tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify at the earliest opportunity the Project Manager identified above under **ADDRESSES**.

Paperwork Reduction

The Paperwork Reduction Act seeks, in part, to minimize the cost to the taxpayer of the creation, collection, maintenance, use, dissemination, and disposition of information. Consistent with this goal and with principles of economy and efficiency in government, it is FTA policy to limit insofar as possible distribution of complete printed sets of environmental documents. Accordingly, unless a specific request for a complete printed set of environmental documents is received (preferably in advance of printing), FTA and its grantees will distribute only the executive summary of the environmental document together with a Compact Disc of the complete environmental document. A complete printed set of the environmental

document will be available for review at the libraries and governments offices in the project area; an electronic copy of the complete environmental document will also be available on the project Web site at <http://www.ridemetro.org>.

Blas M. Uribe,

FTA Deputy Regional Administrator.

[FR Doc. 2011-149 Filed 1-7-11; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2010-0381]

Pipeline Safety: Establishing Maximum Allowable Operating Pressure or Maximum Operating Pressure Using Record Evidence, and Integrity Management Risk Identification, Assessment, Prevention, and Mitigation

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

ACTION: Notice; issuance of Advisory Bulletin.

SUMMARY: PHMSA is issuing an Advisory Bulletin to remind operators of gas and hazardous liquid pipeline facilities of their responsibilities, under Federal integrity management (IM) regulations, to perform detailed threat and risk analyses that integrate accurate data and information from their entire pipeline system, especially when calculating Maximum Allowable Operating Pressure (MAOP) or Maximum Operating Pressure (MOP), and to utilize these risk analyses in the identification of appropriate assessment methods, and preventive and mitigative measures.

FOR FURTHER INFORMATION CONTACT:

Alan Mayberry by phone at 202-366-5124 or by e-mail at alan.mayberry@dot.gov. All materials in this docket may be accessed electronically at <http://www.regulations.gov>. General information about the PHMSA Office of Pipeline Safety (OPS) can be obtained by accessing OPS's Internet home page at <http://www.phmsa.dot.gov/pipeline>.

SUPPLEMENTARY INFORMATION:

Background

PHMSA's goal is to improve the overall integrity of pipeline systems and reduce risks. To adequately evaluate risk, it is necessary to identify and evaluate the physical and operational characteristics of each individual

pipeline system. To that end, the Hazardous Liquid and Gas Transmission Pipeline Integrity Management (IM) Programs were created with the following objectives:

- Ensuring the quality of pipeline integrity in areas with a higher potential for adverse consequences (high consequence areas or HCAs);
- Promoting a more rigorous and systematic management of pipeline integrity and risk by operators;
- Maintaining the government's prominent role in the oversight of pipeline operator integrity plans and programs; and
- Increasing the public's confidence in the safe operation of the nation's pipeline network.

The IM regulations supplement PHMSA's prescriptive safety regulations with requirements that are intelligent, performance based and process-oriented. One of the fundamental tenets of the IM program is that pipeline operators must be aware of the physical attributes of their pipeline as well as the physical environment that it transverses. These programs reflect the recognition that each pipeline is unique and has its own specific risk profile that is dependent upon the pipelines attributes, its geographical location, design, operating environment, the commodity being transported, and many other factors. This information is a vital component in an operator's ability to identify and evaluate the risks to its pipeline and identify the appropriate assessment tools, set the schedule for assessments of the integrity of the pipeline segments and identify the need for additional preventive and mitigative measures such as lowering operating pressures. If this information is unknown, or unknowable, a more conservative approach to operations is dictated.

An IM program must go beyond simply assessing pipeline segments and repairing defects. Improving operator IM programs, the analytical processes involved in identifying and responding to risk, and the application of assessment and development of preventive and mitigative measures is also a critical objective. In addition, the ability to integrate and analyze threat and integrity related data from many sources is essential for enhanced safety and proactive integrity management. However, some operators are not sufficiently aware of their pipeline attributes nor are they adequately or consistently assessing threats and risks as a part of their IM programs.

Over the past several years, PHMSA inspections and investigations have revealed deficiencies in individual

operators' risk analysis approaches, the integration of data into these risk assessments, the abilities to adequately support the selection of assessment methods, identification and implementation of preventive and mitigative measures, and maintenance of up-to-date risk information and findings about their pipeline segments. In particular, operators' programs fail to adequately address stress corrosion cracking, seam failure, or internal corrosion in their threat identification and risk assessments. The actual use of threat and risk information to determine assessment methods, to evaluate other preventive and mitigative measures, and to use those measures during periodic evaluation have been found to be deficient. Inspections and investigations have revealed examples where assessment methods, specific tools, and schedules were not based on a rigorous assessment of the type of threats posed by the pipeline segment, including consideration of the age, design, pipe material including seam type, coating, welding technique, cathodic protection, soil type, surrounding environment, operational history, or other relevant factors. Finally, inspections and investigations indicate that efforts to collect and integrate risk information can be inappropriately narrow, lack verification and fail to take into account relevant risk information and lessons learned from other parts of their system.

In recent pipeline accident investigations, NTSB and PHMSA have discovered indications that operator oversight of IM programs has been lacking and thereby failed to detect flaws and deficiencies in their programs. The level of self-evaluation and oversight currently being exercised by some pipeline operators is not uniformly applied. The NTSB is also concerned that pipeline operators throughout the United States may have discrepancies in their records that could potentially compromise the safe operation of their pipelines. NTSB has recommended that operators diligently and objectively scrutinize the effectiveness of their programs, identify areas for improvement, and implement corrective measures.

On January 3, 2011, NTSB recommended that PHMSA inform the pipeline industry of the circumstances leading up to and the consequences of the September 9, 2010, pipeline rupture in San Bruno, California, to ensure that both PHMSA and NTSB findings and recommendations with respect to the verification of records used to establish or adjust MAOP or MOP are expeditiously incorporated into the IM programs for pipeline operators. The

pipeline rupture in San Bruno, CA involved a 30-inch-diameter natural gas transmission pipeline owned and operated by Pacific Gas and Electric Company (PG&E). The rupture occurred in a residential area killing eight people, injuring many more, and causing substantial property damage. The rupture created a crater about 72 feet long by 26 feet wide. A ruptured pipe segment about 28 feet long was found about 100 feet away from the crater. The resulting fire destroyed 37 homes and damaged 18. NTSB's preliminary findings indicate that the pipeline operator did not have an accurate basis for the MAOP calculation.

There are several methods available for establishing MAOP or MOP. A hydrostatic pressure test that stresses the pipe to a designated percent of the desired MAOP or MOP, without failure, is generally the most effective method. Hydrostatic testing requirements and restrictions for natural gas pipelines are specified in Title 49 CFR Part 192, Subpart J. Similar requirements for hazardous liquid pipelines are found in 49 CFR Part 195, Subpart E. Although hydrostatic testing is recognized to be the most direct and effective methodology for validating a MAOP or MOP, its implementation requires that operating lines be shut down, which may adversely affect customers dependent on the natural gas supplied by the pipeline, particularly if the pipe fails during the test, which could necessitate a protracted shutdown. Consequently, operators prefer to use available design, construction, inspection, testing, and other related records to calculate the valid MAOP or MOP. However, this method is susceptible to error if pipeline records are inaccurate. With respect to the portion of the pipeline that failed in the September 9, 2010, San Bruno incident, PG&E used available design, construction, inspection, testing, and other related records to calculate the MAOP. The NTSB's examination of the ruptured pipe segment and review of PG&E records revealed that although the as-built drawings and alignment sheets mark the pipe as seamless API 5L Grade X42 pipe, the pipeline in the area of the rupture was constructed with longitudinal seam-welded pipe. The ruptured pipe segment was constructed of five sections of pipe, some of which were short pieces measuring about four feet long, containing different longitudinal seam welds of various types, including single- and double-sided welds. Consequently, the short pieces of pipe of unknown specifications in the ruptured pipe

segment may not have been as strong as the seamless API 5L Grade X42 steel pipe listed in PG&E's records. PG&E's records also identify Consolidated Western Steel Corporation as the manufacturer of the accident segment of Line 132. However, after physical inspection of the ruptured section, investigators were unable to confirm the manufacturing source of some of the pieces of ruptured pipe.

Integrity Management Regulatory Provisions

For hazardous liquid pipelines, § 195.452 establishes requirements for IM programs in HCAs. Section 195.452(b)(1) requires that each operator of a hazardous liquid pipeline "develop a written IM program that addresses the risks on each segment of pipeline." Section 195.452(e) defines the minimum list of risk factors that must be included in the risk assessments used to schedule segment assessments. Appendix C provides additional guidance on these risk factors. Section 195.452(f) defines the required elements of an IM program. These elements include an analysis that integrates all available information about the integrity of the entire pipeline and the consequences of a failure, including data gathered during previous integrity assessments and data gathered in conjunction with other maintenance inspections and investigations. These elements also include an identification of additional preventive and mitigative measures to protect the HCAs (§ 195.452(i)), including conducting a risk analysis in which an operator must evaluate the likelihood of a pipeline release and how it could affect the HCAs. Preventive and mitigative measures to be evaluated based on risk factors include, but are not limited to, leak detection system modifications and installation of additional Emergency Flow Restricting Devices.

For natural gas pipelines, Subpart O of 49 CFR Part 192 establishes the requirements for IM programs in HCAs. Section 192.911(c) requires that IM programs include "[a]n identification of threats to each covered pipeline segment, which must include data integration and a risk assessment." This section further requires "[a]n operator must use the threat identification and risk assessment to prioritize covered segments for assessment (§ 192.917) and to evaluate the merits of additional preventive and mitigative measures (§ 192.935) for each covered segment." Section 192.917(b) requires an operator to integrate existing data and information on the entire pipeline that could be relevant to a covered segment. In performing this data gathering and

integration, an operator must follow the requirements in ASME/ANSI B31.8S, section 4. At a minimum, an operator must gather and evaluate the set of data specified in Appendix A to ASME/ANSI B31.8S, and consider both on the covered segment and similar non-covered segments, past incident history, corrosion control records, continuing surveillance records, patrolling records, maintenance history, internal inspection records, operating stress levels, past pressure test information, soil characteristics, and all other conditions specific to each pipeline. Section 192.917(c) states that an operator must conduct a risk assessment that follows ASME/ANSI B31.8S, section 5, and considers the identified threats for each covered segment. An operator must use the risk assessment to prioritize the covered segments for the baseline and periodic reassessments, and to determine what additional preventive and mitigative measures are needed for the covered segment. Sections 192.919 and 192.921(a) further require that the operator explain why the particular assessment method for each segment was selected to address the identified threats to each covered segment. Specifically, § 192.921(a) requires the operator to select the method or methods best suited to address the identified threats to the covered segment (pipeline), which include internal inspection tool[s], pressure test, direct assessment, or other technology that an operator demonstrates can provide an equivalent understanding of the condition of the pipeline. More than one assessment method may be required to address all the threats to the covered pipeline segment. Section 192.935 requires that an operator take additional measures beyond those already required by Part 192 to prevent a pipeline failure and to mitigate the consequences of a pipeline failure in a HCA. An operator must base the additional measures on the threats the operator has identified to each pipeline segment. This section requires that an operator conduct, in accordance with one of the risk assessment approaches in ASME/ANSI B31.8S, section 5, a risk analysis of its pipeline to identify additional measures to protect the HCA and enhance public safety.

Advisory Bulletin (ADB-11-01)

To: Owners and Operators of Hazardous Liquid and Gas Pipeline Systems.

Subject: Establishing Maximum Allowable Operating Pressure or Maximum Operating Pressure Using Record Evidence, and Integrity

Management Risk Identification, Assessment, Prevention, and Mitigation.

Advisory: To further enhance the Department's safety efforts and implement the NTSB's January 3, 2011, recommendation to PHMSA [P-10-1], PHMSA is issuing this Advisory Bulletin concerning establishing MAOP and MOP using record evidence and integrity management; threat and risk identification; risk assessment; risk information collection, accuracy and integration, and identification and implementation of preventive and mitigative measures.

I. Establishing MAOP or MOP Using Record Evidence

As PHMSA and NTSB recommended, operators relying on the review of design, construction, inspection, testing and other related data to calculate MAOP or MOP must assure that the records used are reliable. An operator must diligently search, review and scrutinize documents and records, including but not limited to, all as-built drawings, alignment sheets, and specifications, and all design, construction, inspection, testing, maintenance, manufacturer, and other related records. These records shall be traceable, verifiable, and complete. If such a document and records search, review, and verification cannot be satisfactorily completed, the operator cannot rely on this method for calculating MAOP or MOP. Copies of the recommendations issued by NTSB to PHMSA, PG&E, and the California Public Utilities Commission, are available in the public docket and at PHMSA's Web site: <http://www.phmsa.dot.gov/pipeline/regs/ntsb>.

II. Performing Risk Identification, Assessment, Data Accuracy, Prevention, and Mitigation

Pipeline operators are reminded of their responsibilities to identify pipeline integrity threats, perform rigorous risk analyses, integrate information, and identify, evaluate, and implement preventive and mitigative measures as required by the Federal pipeline safety regulations. Operators should thoroughly review their current IM programs and make any changes necessary to become fully compliant with the Federal pipeline safety regulations. Future, PHMSA inspections will place emphasis on the areas noted in this Advisory Bulletin.

Operators are also advised that PHMSA and its State partners intend to sponsor a public workshop on threat and risk identification, risk assessment, risk information collection and integration, and identification of

preventive and mitigative measures. The purpose of the workshop will be to expand the industry's knowledge base about effective IM programs. At this workshop, PHMSA will discuss the progress it has seen and the challenges remaining. Operators with demonstrably effective programs will be invited to share information. Public participation will be encouraged.

A. Risk and Threat Identification

PHMSA emphasizes the need for operators to be fully cognizant of the physical and operational characteristics of their systems, understand the threats to their systems, and the risks posed by their systems. Each operator is ultimately responsible for identifying all risk factors and cannot rely solely on the factors in § 195.452(e) and Appendix C of Part 195 or § 192.917. Any operator of a hazardous liquid or gas transmission pipeline that is not fully cognizant of the location, pipe material and seam type, coating, cathodic protection history, repair history, previous pressure testing, or operational pressure history, and other assessment information, incident data, soil type and environment, operational history, or other key risk factors of a pipeline operating at or above 30% SMYS should (1) institute an aggressive program as soon as possible to obtain this information, (2) assess the risks, and (3) take the proper mitigative measures based upon the operator's IM program risk findings. In addition, if these operators do not have verified information on key risk factors, an immediate and interim mitigation measure that should be strongly considered is a pressure reduction to 80 percent of the operating pressure for the previous month, hydro testing the pipeline or creating a remediation program to identify threat risks. Operators of transmission pipelines operating below 30% SMYS should also conduct an integrity threat and risk review of these pipelines to ensure safety in HCAs. PHMSA will require an operator that has not adequately identified all threats to take mitigative measures.

B. Risk Assessment

Operators are advised to re-examine the basis for their IM assessment, as well as their MAOP or MOP calculations and documentation to meet Federal regulations in 49 CFR Parts 192 and 195. Operators must consider all significant risk factors in their risk assessments; conduct risk assessments capable of supporting identification of preventive and mitigative measures; integrate into their threat and risk

assessments all relevant risk information from prior integrity assessments, inspections, investigations, and incidents with design, construction, operational and maintenance data; to critically analyze the integrated data and incorporate the analysis into their risk assessments and integrity-related decision making; update and maintain their risk information; and to ensure that the risk information is made available throughout the organization in a form that can effectively support decisions on integrity assessment methods, tools, process and procedure changes, and schedule during the required periodic evaluations of pipeline integrity. PHMSA and its State partners intend to verify that operators have taken these actions during the course of future pipeline safety inspections and investigations.

C. Data Accuracy

Operators must review and scrutinize pipeline infrastructure documents and records, including but not limited to, all as-built drawings, alignment sheets, specifications, and all design, construction, inspection, testing, material manufacturer, operational maintenance data, and other related records, to ensure company records accurately reflect the pipeline's physical and operational characteristics. These records should be traceable, verifiable, and complete to meet §§ 192.619 and 195.302. Incomplete or partial records are not an adequate basis for establishing MAOP or MOP using this method. If such a document and records search, review, and verification cannot be satisfactorily completed, the operator may need to conduct other activities such as in-situ examination, pressure testing, and nondestructive testing or otherwise verify the characteristics of the pipeline when identifying and assessing threats or risks.

D. Risk Mitigation and Prevention

PHMSA advises operators to implement a robust IM process that includes methods best suited to address the threats and risks identified (§ 192.921(a) and § 195.452(f)). Operators must use post assessment and continuing evaluation processes to evaluate program effectiveness in identifying threats, addressing threat preventative and mitigative measures, and providing internal IM program feedback of assessment findings so the assessment process can be updated based upon threat findings.

Issued in Washington, DC, on January 4, 2011.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2011-208 Filed 1-7-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Michael Behe representing FRN, LLC (WB604-9-1/03/11) for permission to use certain data from the Board's 2009 Carload Waybill Sample. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Scott Decker, (202) 245-0330.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. 2011-155 Filed 1-7-11; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Departmental Offices; Privacy Act of 1974, as Amended

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of Proposed Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Departmental Offices, U.S. Department of the Treasury ("Treasury") gives notice of the establishment of a Privacy Act System of Records.

DATES: Comments must be received no later than February 9, 2011. The new system of records will be effective February 9, 2011 unless the comments received result in a contrary determination.

ADDRESSES: Comments should be sent to Claire Stapleton, Consumer Financial Protection Bureau Implementation Team, 1801 L Street, NW., Washington, DC 20036. Comments will be made available for inspection upon written request. Treasury will make such comments available for public

inspection and copying in Treasury's Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 622-0990. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT:

Claire Stapleton, Consumer Financial Protection Bureau Implementation Team, 1801 L Street, NW., Washington, DC 20036, (202) 435-7220.

SUPPLEMENTARY INFORMATION: The Dodd-Frank Wall Street Reform and Consumer Protection Act ("Act"), Public Law 111-203, Title X, established the Consumer Financial Protection Bureau (CFPB). Once fully operational, CFPB will administer, enforce and implement Federal consumer financial protection laws, and, among other powers, will have authority to protect consumers from unfair, deceptive, and abusive practices when obtaining consumer financial products or services. The Act grants Treasury certain "interim authority" to help stand up the agency. The CFPB implementation team, currently within Treasury, will maintain the records covered by this notice.

The new systems of records described in this notice, Treasury/DO.315—CFPB Implementation Team Consumer Inquiry and Complaint Database, will be used to collect, respond to, and refer consumer inquiries and complaints concerning consumer financial products and services. A description of the new system of records follows this Notice.

The report of a new system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated November 30, 2000, and the Privacy Act, 5 U.S.C. 552a(r).

The system of records entitled, "Treasury/DO.315—CFPB Implementation Team Consumer Inquiry and Complaint Database" is published in its entirety below.