

operate over two additional road crossings, Ragus Road and Highway 60, at less than ten (10) mph prior to performing the initial terminal brake test.

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 communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2002-13251) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590-0001. Communications received within 45 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 October 10, 2002.

Grady C. Cothen, Jr.,

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 from certain requirements of its safety regulations. 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.

Burlington Northern Sante Fe Railway

[Docket Number FRA-2002-13399]

Burlington Northern Sante Fe Railway (BNSF) seeks a waiver of compliance from certain provisions of the *Power Brakes and Drawbars* regulations, 49 CFR part 232, regarding initial terminal road train air brake tests. Specifically, BNSF requests permission to perform the required initial terminal air brake test at a location approximately three miles east of where the train is presently tested, which would require the train to move the three miles without the required air brake test.

BNSF is working with Southeast Nebraska Cooperative (SE Coop) at Beatrice, Nebraska to establish a 110-car grain shuttle facility. The site of this facility is the present SE Coop elevator. The elevator tracks will have to be upgraded to function as a shuttle load-out. The shuttles will be loaded on the elevator's private track and then shoved on additional trackage leased by BNSF to SE Coop. This additional trackage consists of the former BNSF main track, which is now operated as "other than main track" (GCOR Rule 6.28). The trackage to be leased extends from former MP30.5, south of Highway 136, to just short of a road crossing at former MP 31.9. This leased trackage will be protected from the BNSF environment by derails fitted with private industry locks. As the cars are loaded and shoved out onto the leased trackage, SE Coop will be responsible by contract to ensure that air hoses are coupled and angle cocks are properly positioned. When BNSF train crews come on duty after a train is loaded, they will couple the outbound locomotives for the eastbound movement to Lincoln, Nebraska. The conductor will be transported by vehicle to the rear of the train to install and arm the end-of-train device and check for air continuity by an application and release of air brakes.

At the above location between MP 31 and 31.9, an extreme slope of the shoulder exists with water draining into a deep ditch from the adjacent slopes. Within this mile of track there are a bridge over the Blue River and a relief bridge without adequate walking surfaces. Two overpasses and heavy ballast also present walking problems. BNSF does not believe this site is suitable for a train inspection and initial terminal air brake test. BNSF is requesting an exemption to move these trains to a more desirable location to perform the required inspections and tests. Due to crossings, the best location is approximately three miles east on the former main track between MP 28.7 and MP 27.5 on "other than main track"

with a maximum speed limit of 10 mph. All trains moving to this location from the elevator will have been continuity tested by an application and release of the air brakes as previously stated. The testing site will be graded to ensure that walking conditions will allow for quality train inspections and tests to be performed in a safe and efficient manner. BNSF will have all requirements written into the general orders.

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 communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2002-13399) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590-0001. Communications received within 45 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 October 10, 2002.

Grady C. Cothen, Jr.,

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.

Paducah & Louisville Railway, Inc.

[Docket Number FRA-2002-13309]

The Paducah & Louisville Railway, Inc (P&L), located in Paducah, KY, seeks a waiver of compliance from the requirements of the Locomotive Safety Standards, 49 CFR part 229. Section 229.27(a) of the standards requires the filtering devices located in the main reservoir supply line to the airbrake system to be cleaned, repaired, or replaced at intervals that do not exceed 368 calendar days. The P&L states that they are operating eleven (11) sets of newly refurbished GP40-3 and GP35 locomotives converted as power mates. During the most recent annual test, the main reservoir filters being replaced were identical to the new filters being applied. If the waiver is granted, P&L would change the main reservoir filters at the Biennial Test (49 CFR 229.29) required to be performed every 1,104 days on these locomotives.

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 communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2002-13309) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, (Plaza Level), 400 Seventh Street SW., Washington, DC 20590-0001. Communications received within 45 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 September 10, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Pipeline Safety: Definition of Onshore Gas Gathering Lines

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

ACTION: Notice; issuance of advisory bulletin.

SUMMARY: RSPA is issuing this advisory bulletin to owners and operators of natural gas pipeline facilities to confirm the standards the Research and Special Programs Administration Office of Pipeline Safety (OPS) uses to classify natural gas gathering lines.

ADDRESSES: This document can be viewed at the OPS home page at: <http://ops.dot.gov>.

FOR FURTHER INFORMATION CONTACT: L.E. Herrick, (202) 366-5523, or by e-mail at: le.herrick@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 11, 1999, OPS announced an electronic public discussion forum and subsequent written comment period to provide OPS public input in deciding whether and how to modify the definition in 49 CFR 192 of a natural gas gathering line. (Docket No. RSPA-98-4868, Notice 1: 64 FR 12147.) A coalition lead by the American Petroleum Institute (API) submitted a proposed definition, which was supplemented by API Recommended Practices 80; Guidelines for the Definition of Onshore Gas Gathering Lines (RP-80).

OPS has reviewed the document but has not yet determined whether it will adopt the recommended practices into regulation. Until OPS re-defines a gas gathering line, it will continue to classify those lines according to the standards it has used in the past.

II. Advisory Bulletin (ADB-02-06)

To: Owners and Operators of Natural Gas Pipeline Facilities.

Subject: Standards for classifying natural gas gathering lines.

Purpose: To inform operators of the standards OPS currently uses to classify natural gas gathering lines.

Advisory: Standards for classification of natural gas gathering lines.

Until OPS completes its rulemaking to better define natural gas gathering lines (Docket No. RSPA-98-4868), OPS will continue to classify lines according to the four-point standard established through court precedent and historical interpretation. OPS will also continue to classify lines that pose unique difficulties of classification on a case-by-case basis. In brief, in the most common situation, gathering begins at or near the well head. In most cases, the gathering process terminates at the outlet of a processing plant. A processing plant is defined by the extraction of heavy ends from the natural gas. If there is no upstream processing plant, the gathering process terminates at the outlet of a pipeline compressor. For the purposes of determining the termination point of the gas gathering process, OPS does not consider a well head compressor (field compressor) to be a pipeline compressor. If there is no processing plant or pipeline compressor, the point at which the gathering process ends is where two or more well pipelines converge. If none of these points applies, the gas gathering termination point is where there is a change in ownership of the pipeline. These points are determined on a case-by-case basis considering the location of the pipeline in relation to population density, major traffic areas, and environmentally sensitive areas.

To summarize, OPS considers the termination of gas gathering to be:

(1) The outlet of a processing plant that extracts heavy ends from the natural gas;

(2) The outlet of a pipeline compressor (not including a well head compressor);

(3) The point where two or more well pipelines converge; or

(4) The point where there is a change in ownership of the pipeline.

Issued in Washington, D.C. on October 10, 2002.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2002-69

AGENCY: Internal Revenue Service (IRS), Treasury.