

Company (BNSF) petitioned the Federal Railroad Administration (FRA) to modify a waiver of compliance that provides relief from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 213. FRA previously assigned the waiver Docket Number FRA-2020-0064.

BNSF's existing waiver identified two territories, the Powder River Territory, and the Southern Transcon Territory, where 49 CFR 213.233 visual track inspection requirements are replaced with a combination of performance-based automated and visual inspections. Automated inspections are performed by Unmanned Automated Track Geometry Cars every 12 million gross tons, not exceeding four weeks between tests, and visual inspections are performed either twice per month, weekly, or three times per week, based on risk model calculations made weekly for each track segment.

BNSF is requesting to expand the scope of the waiver by adding two additional territories. First, BNSF requests to incorporate their Orin Subdivision, a 395-track mile line running from Donkey Creek Junction, Wyoming, to Bridger Junction, Wyoming, into the existing Powder River Territory. In support of this request, BNSF states that the operational, traffic mix, and weather characteristics of the Orin Subdivision are similar to the other subdivisions of the Powder River Territory.

Second, BNSF requests to add a new territory to the waiver, their Northern Transcon Route. This 4,322-track mile line runs from Chicago, Illinois, to Seattle, Washington. In support of this request, BNSF references their 2020 geometry defect rates along the route as lower (safer) than the rates of the Southern Transcon Territory.

In support of its petition, BNSF references data and analysis from their Track Inspection Test Program, Docket Number FRA-2018-0091, and data and analysis already available in Docket Number FRA-2020-0064. BNSF states that all requirements of the waiver have been met during implementation on the Powder River Territory and Southern Transcon Territory. BNSF contends there are no unique characteristics of the Northern Transcon Route or Orin Subdivision that would prevent BNSF's successful implementation of the existing relief over those additional territories. BNSF concludes that adding the two new territories will result in net safety benefits for those territories due to the increased geometry inspections and data-driven visual inspections.

A copy of the petition, as well as any written communications concerning the

petition, if any, are available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing for these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, 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 and may be submitted by any of the following methods:

- **Website:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Ave. SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 23, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety,  
Chief Safety Officer.*

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**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2020-0164]

#### Frequently Asked Questions on 911 Notifications Following Possible Pipeline Ruptures

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

**ACTION:** Notice; draft frequently asked questions.

**SUMMARY:** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is soliciting public comment on draft frequently asked questions (FAQs) intended to clarify existing regulatory requirements that operators of natural gas transmission and distribution pipelines and hazardous liquid pipelines alert emergency responders when a pipeline emergency occurs. The draft FAQs explain that compliance with these existing requirements is best achieved when operators promptly identify a possible rupture and alert emergency responders in the impacted community or jurisdiction through 911 services, or direct contact with emergency responders in areas where 911 services are not available.

**DATES:** Comments on the draft FAQs should be submitted to Docket No. PHMSA-2020-0164 no later than August 9, 2021.

**ADDRESSES:** *E-Gov Web:* <http://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.

- **Mail:** Docket Management System: U.S. Department of Transportation 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery:** Department of Transportation (DOT) Docket Management System: West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except federal holidays.

- **Fax:** 202-493-2251.

- **Instructions:** Identify the Docket No. PHMSA-2020-0164, at the beginning of your comments. If you submit your comments by mail, submit two copies. If you wish to receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <http://www.regulations.gov>.

- **Privacy Act:** DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

- **Confidential Business Information:** Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the Agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as "Confidential," (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted, and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Byron Coy at Pipeline and Hazardous Materials Safety Administration, Eastern Region, PHP-100, 840 Bear Tavern Rd., Suite 300., West Trenton, New Jersey 08628. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

- **Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets. Alternatively, you may review the documents in person at the street address listed above.

**FOR FURTHER INFORMATION CONTACT:** Byron Coy, Senior Technical Advisor, Program Development Division, by telephone at 609-433-2173, or by email at [Byron.Coy@dot.gov](mailto:Byron.Coy@dot.gov).

**SUPPLEMENTARY INFORMATION:** In 2011, NTSB issued several safety recommendations following its investigation of the natural gas pipeline rupture and explosion that occurred on September 9, 2010, in San Bruno, California. Finding that the operator of the pipeline, Pacific Gas and Electric Company (PG&E), had not notified emergency officials that the accident

involved the rupture of one of PG&E's pipelines, NTSB made the following recommendation to PHMSA:

Require operators of natural gas transmission and distribution pipelines and hazardous liquid pipelines to ensure that their control room operators immediately and directly notify the 911 emergency call center(s) for the communities and jurisdictions in which those pipelines are located when a possible rupture of any pipeline is indicated. (P-11-9)

Under existing pipeline safety regulations, operators are required to alert emergency responders when a pipeline emergency occurs. Section 192.615(a)(8) requires operators of natural gas pipelines to notify appropriate fire, police, and other public officials of gas pipeline emergencies. Section 195.402(e)(7) requires operators of hazardous liquid pipelines to do the same. Operators are also required to establish and maintain means of communication with appropriate fire, police, and other public officials under §§ 192.615(a)(2) and 195.402(c)(12).

In response to NTSB's recommendation, PHMSA first surveyed existing FAQs in related areas to determine if, and where, 911 notification following a possible rupture had already been addressed. As part of its research, PHMSA examined general PHMSA and pipeline safety FAQs, as well as FAQs related to gas transmission, gas distribution, hazardous liquid integrity management, control room management (CRM), and operator qualification.

PHMSA found that existing FAQs most closely related to this topic are those addressing CRM. These FAQs (listed in the Appendix) include the following:

- C.07 and C.09, which address emergency communications.
- F.01, G.02, G.03, H.06, and H.07, which cover emergency operations.

PHMSA found, however, that the existing FAQs do not explicitly address 911 notification in response to a possible pipeline rupture. In addition, while the FAQs pertain to CRM, some pipelines operate without a control room.

PHMSA considered adding 911 notifications to existing FAQs but determined that could dilute the importance of emergency notification requirements, as well as divert attention from the specific topic of the existing FAQs. Accordingly, PHMSA believes that the safety issues raised in NTSB's recommendation are of sufficient importance to merit new FAQs. In addition, since control room personnel may be fully occupied during an

emergency addressing the emergency itself, an operator's procedures could assign the duty to notify emergency responders to others. Also, many smaller pipeline operators do not have control rooms. As a result, PHMSA is creating guidance for all operators to contact emergency responders without specifically stating that it must be the pipeline controllers who make the notification, as mentioned in the NTSB recommendation.

Issued in Washington, DC, on July 2, 2021, under authority delegated in 49 CFR 1.97.

**Alan K. Mayberry,**

*Associate Administrator for Pipeline Safety.*

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**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Hazardous Materials: Notice of Actions on Special Permits

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

**ACTION:** Notice of actions on special permit applications.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

**DATES:** Comments must be received on or before August 9, 2021.

**ADDRESSES:** Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

**SUPPLEMENTARY INFORMATION:** Copies of the applications are available for inspection in the Records Center, East