

review its overall project design package prior to and during the construction of this pipeline. The design package must include TPI's methodology to validate the calibration of the in-line inspection (ILI) tool that TPI intends to use when performing an inspection of its austenitic stainless steel pipeline. The design package must also include a description of the ILI tool. The ILI tool must be capable of detecting anomalies including—but not limited to—mechanical damage and pipe deformation; and

- TPI must exceed the tensile testing requirements of Appendix B to Part 192, Qualification of Pipe, Section II (D) Tensile Properties—which requires one test per 10 lengths of pipe—and perform one tensile test per five lengths of pipe for both the plate and the welded joint per the tensile testing required under ASTM A 358 (Section 12).

**Authority:** 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC on April 15, 2005.

**Theodore L. Willke,**

*Deputy Associate Administrator for Pipeline Safety.*

[FR Doc. 05–8011 Filed 4–20–05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–05–20922]

#### Pipeline Safety: Pipeline Integrity Management in High Consequence Areas for Hazardous Liquid Operators

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

**ACTION:** Notice; hazardous liquid integrity management lessons learned meeting.

**SUMMARY:** OPS will sponsor a 1½ day workshop to review the initial Integrity Management (IM) inspections of hazardous liquid pipeline operators. Workshop topics will cover the lessons learned, accomplishments, and future expectations for such programs from both the OPS and industry perspectives.

**DATES:** Tuesday, May 17, 2005, from 8:30 a.m. to 5 p.m., and Wednesday, May 18, 2005, from 8:30 a.m. to 12 p.m.

**ADDRESSES:** The Westin Oaks, 5011 Westheimer, Houston, Texas 77056; (713) 960–8100. For discounted rates, please refer to the U.S. Department of Transportation (USDOT)—Liquid IM Meeting guest room block when making

reservations. The deadline for reserving sleeping room accommodations is April 18, 2005. Further information is available on the PHMSA Web site at <http://primis.phmsa.dot.gov/meetings/Mtg30.mtg>. The Web site provides links to other useful information, such as the meeting agenda, and enables viewers to submit questions to OPS regarding the workshop.

This meeting is open to all interested parties. To facilitate meeting planning, advance registration for attending the workshop is strongly recommended. Advanced registration can be accomplished at the PHMSA web site. The deadline for advanced registration is Friday, May 13, 2005. Walk-in registration will be accommodated on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Beth Callsen (tel. 202–366–4572; E-mail: [beth.callsen@dot.gov](mailto:beth.callsen@dot.gov)).

#### SUPPLEMENTARY INFORMATION:

##### 1. Background

In 2000, OPS issued the first in a series of rules to improve safety and environmental protection in High Consequence Areas (HCAs). The first IM rule (65 FR 75378; November 3, 2000; effective May 29, 2001) applies to hazardous liquid operators who own or operate 500 or more miles of pipeline. Subsequently, the rule was extended to include operators who own or operate less than 500 miles of hazardous liquid pipeline, (67 FR 2136; January 26, 2002; effective February 15, 2002).

The IM rule applies to pipelines that can affect HCAs. HCAs include populated areas, unusually sensitive environmental areas, and commercially navigable waterways. The objectives of the rule are to:

- Accelerate the assessment of pipeline segments that can affect HCAs. Assessment includes in-line inspection, hydrostatic pressure testing, or other equivalent methods.

- Improve operator management systems to identify and prevent potential integrity threats.

- Improve government's role in the oversight of operator integrity management programs.

- Improve public confidence in safe pipeline operation.

The rule also addresses several National Transportation Safety Board (NTSB) recommendations, Congressional mandates, and pipeline safety issues raised over the years. More information about the rule can be found at <http://primis.phmsa.dot.gov/iim>.

Beginning September 2002, OPS began full IM Program inspections of hazardous liquid pipeline operators. In

2004, OPS inspected over 100 hazardous liquid pipeline operators with pipeline lengths ranging from a few miles to more than 10,000 miles. These pipelines comprise more than 99% of the nation's hazardous liquid pipeline mileage.

Through these inspections and the resulting enforcement actions, OPS has assured that operators are conducting integrity assessments of their pipelines, are repairing defects that could undermine safe operation, and are putting in place the management systems and tools to improve identification and remediation of potential unsafe conditions. These interactions with operators have provided OPS a thorough understanding of operator IM programs, and have significantly improved OPS's understanding of the physical condition of the nation's pipelines.

During this meeting, OPS will share the results and lessons learned from these inspections, and will describe how these lessons will be applied in planning and conducting future IM inspections. OPS will also cover the modifications it has made to the inspection protocols as a result of these initial inspections. Industry representatives will present their perspectives on the IM inspections, summarize their IM program accomplishments, and present their perspectives on future challenges.

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

**Theodore L. Willke,**

*Deputy Associate Administrator for Pipeline Safety.*

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**BILLING CODE 4910–60–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA–04–19856]

#### Pipeline Safety: Drug and Alcohol Testing

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

**ACTION:** Notice of intent to issue an Advisory Bulletin; request for public comment.

**SUMMARY:** This notice advises operators of gas, hazardous liquid and carbon dioxide pipelines and liquefied natural gas facilities that the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of

Pipeline Safety (OPS), intends to issue an Advisory Bulletin to begin collecting annual drug and alcohol testing data for contractor employees performing covered functions in the pipeline industry. The collection of contractor testing data is necessary for the calculation of the minimum annual percent rate for random drug testing, which is based on the reported positive rate for the entire industry. No regulatory change is necessary because the current rule already requires operators to report testing data for covered employees to OPS. The Advisory Bulletin will end the deferment period addressed in the preamble to the current rule for reporting contractor data and suggest a method for reporting the data that minimizes the problems associated with duplication. This notice proposes a method for reporting contractor data, seeks public comment on the method, and encourages suggestions for alternative approaches for reporting contractor testing data.

**DATES:** Comments must be received by June 6, 2005.

**ADDRESSES:** You must identify docket number RSPA-04-19856. Comments may either be mailed to U.S. Department of Transportation, Dockets Facility, Plaza 401, 400 7th Street, SW., Washington, DC 20590 or submitted electronically at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Sheila Wright, Program Analyst, PHMSA, OPS at (202) 366-4554, or by e-mail, [sheila.wright@dot.gov](mailto:sheila.wright@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 CFR Part 199, each operator having more than 50 covered employees must submit an annual Management Information System (MIS) report to OPS of its drug and alcohol testing results for covered employees by March 15th of each year for the prior calendar year. Operators with 50 or less covered employees may be required to submit annual MIS reports if notified by OPS in writing. A covered employee is a person employed by the operator, a contractor engaged by the operator, or a person employed by such a contractor, who performs operations, maintenance, or emergency-response functions regulated by 49 CFR parts 192, 193, or 195.

In the final rule, 58 FR 68258, Dec. 23, 1993, OPS concluded that submission of contractor testing data by operators could result in duplicative reporting and inaccurate data. OPS noted that inaccuracies could affect the positive rate for the entire industry, thereby affecting the minimum annual percent

rate for random drug testing. Accordingly, OPS deferred collecting contractor testing data, but stated that operators must continue to maintain the records required by 49 CFR Part 199, and ensure their contractors maintain the same. OPS also stated that it would re-evaluate the collection of contractor testing data and develop a method of collecting to avoid the problem of duplication.

During subsequent meetings of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee, OPS discussed its intent to begin collecting contractor testing data. OPS pointed out that it plans to begin collecting this data in the 2006 reporting period, and begin any necessary enforcement in 2007. Comments at the meetings were supportive of the initiative to collect contractor data. Commenters suggested that it would be pragmatic for contractors to report their testing data directly to OPS. The transcript of the most recent public meeting is available in the docket (<http://dms.dot.gov>) under docket number RSPA-04-19856.

OPS does not directly regulate contractors with respect to drug and alcohol testing, but places the responsibility on operators to ensure all covered employees are tested and that the testing results are submitted annually to OPS. Accordingly, pipeline operators monitor contractor compliance with drug and alcohol testing requirements as required by 49 CFR part 199. Operators use a variety of methods to monitor covered contractor employees, such as testing of contract employees, requiring contractors to have their own testing programs, or working with contractors that belong to drug testing consortium groups.

Collecting contractor testing data is essential for analyzing OPS's approach to detecting and deterring use of controlled substances. The information is also necessary to calculate the minimum annual percent rate for random drug testing, which is based on the reported positive rate for the entire industry. Collecting this data will not require a regulatory change because 49 CFR part 199 requires operators to report testing data for all covered employees, which includes contractors. The preamble to the current rule merely deferred submission of the data until the development of a methodology. OPS intends to issue an Advisory Bulletin that will end the deferment period noted in the preamble to the final rule.

**Proposed Method**

Commenters to the original final rule and at the public meeting indicated that submission of contractor testing data should be done by contractors themselves, not by pipeline operators. Based on these suggestions, OPS proposes in lieu of operators submitting contractor data, the operators may opt to use contractors as their agents to report the data. If operators choose this method, OPS encourages them to consider adding language in their contractual agreements to that effect. To facilitate these submissions, OPS would create and assign unique identifiers for contractors to submit annual testing data on the DOT MIS data collection form by mail or by online submission.

**Request for Comments**

OPS encourages comments on this proposed method in addition to suggestions for alternative methods of collecting contractor testing data. Specifically, OPS invites comments on the validity of the method being proposed and ways to avoid duplication and enhance quality. Following the review of timely comments, OPS will issue an Advisory Bulletin notifying operators of the selected method to begin reporting contractor testing data in calendar year 2006.

Issued in Washington, DC, on April 15, 2005.

**Theodore L. Willke,**

*Deputy Associate Administrator for Pipeline Safety.*

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**[STB Finance Docket No. 34684]**

**Mississippi Southern Railroad, Inc.—  
Lease and Operation Exemption—The  
Kansas City Southern Railway  
Company**

Mississippi Southern Railroad, Inc. (MSRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease, from The Kansas City Southern Railway Company (KCS), and operate approximately 26.5 miles of rail line extending between milepost 133.0, near Bay Springs, MS, and milepost 159.5, near Newton, MS.

This transaction is related to STB Finance Docket No. 34683, *Watco Companies, Inc.—Continuance in Control Exemption—Mississippi Southern Railroad, Inc.*, wherein Watco Companies, Inc., has concurrently filed