

Illinois, Minnesota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin). These States required applicants to take a skills test in a school bus of the same vehicle group as the vehicle the applicant intended to drive. They also used school bus knowledge tests that incorporated the three topics required by the new FMCSA regulation:

1. Loading and unloading children, including the safe operation of stop signals, external mirror systems, flashing lights and other warning devices and passenger safety devices required for school buses by State or Federal law or regulation.
2. Emergency exits and procedures for safely evacuating passengers in an emergency.
3. State and Federal laws and regulations related to safely traversing highway rail grade crossings.

FMCSA determined that these programs met or exceeded the Federal requirement. Drivers who passed the school bus endorsement tests required by any of these States on or after September 30, 2002, the effective date of the Federal rule could be issued an "S" endorsement.

These States, however, may have assumed that drivers who passed the State knowledge and skills tests for the school bus endorsement before September 30, 2002, would in fact have the knowledge test requirement waived as well. That cannot be done under the Federal rule. The Federal rule looks forward in time, not backward. Every driver renewing a CDL with a school bus endorsement on or after September 30, 2002, must pass the tests required by 49 CFR 383.123 or a compatible State regulation. Because the Federal rule is not retroactive, the agency's recognition that certain State regulations are equivalent does not retroactively validate the results of earlier tests conducted under those regulations. Therefore, drivers who passed compatible State tests before September 30, 2002 must pass the tests required by 49 CFR 383.123.

Once these States understood the requirements of the FMCSA rule, it became clear that thousands of school bus drivers who had passed the State tests before September 30, 2002, but had not been tested when they renewed their CDL's with a school bus endorsement after that date, would have to be re-tested before September 30, 2005, if the States were to remain in substantial compliance under 49 CFR Part 384.

### Application for an Exemption

On behalf of the affected school bus drivers, the States identified in this notice have requested a 2-year exemption from § 383.123 due to the large number of drivers who would have to be re-tested before September 30, 2005. The estimated number of drivers that would have to be re-tested are as follows:

Alabama—16,000  
 Delaware—3,500  
 Illinois—19,821  
 Minnesota—15,000  
 Ohio—47,000  
 Pennsylvania—8,200  
 South Carolina—10,159  
 South Dakota—5,000  
 Tennessee—14,700  
 Virginia—12,977  
 Wisconsin—18,000

Since the tests in use in these States have been determined to meet or exceed the requirements of 49 CFR 383.123 as of the effective date of the rule (September 30, 2002), FMCSA believes the terms and conditions of the exemption would achieve a level of safety equivalent to that provided by complying with the current Federal requirement on September 30, 2005. The State petitions for the exemption are in the public docket.

### Proposed Terms and Conditions for the Exemption

This exemption would grant temporary relief from the testing requirements under 49 CFR 383.123 until September 30, 2007 to the school bus drivers of Alabama, Delaware, Illinois, Minnesota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin who were issued a school bus endorsement prior to September 30, 2002. All of these school bus drivers must be tested in accordance with the requirements in 49 CFR 383.123 by September 30, 2007.

### Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA is requesting public comment from all interested persons on the agency's intent to grant school bus drivers in the States of Alabama, Delaware, Illinois, Minnesota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin who were issued a school bus endorsement prior to September 30, 2002 an exemption from the testing requirements of 49 CFR 383.123 until September 30, 2007. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be

considered and will be available for examination in the docket at the location listed under the address section of this notice. Comments received after the comment closing date will be filed in the public docket and considered to the extent practicable, but FMCSA may grant or deny the exemption at any time after the close of the comment period. In addition to late comments, FMCSA also will continue to file in the public docket any relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Authority:** 49 U.S.C. 31136 and 31315; 49 CFR 1.73.

Issued on: July 7, 2005.

**Annette M. Sandberg,**  
*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. {PHMSA-05-21314; Notice 1}]

### Pipeline Safety: Petition for Waiver; BOC Gases

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

**ACTION:** Notice; petition for waiver.

**SUMMARY:** BOC Gases (BOC) petitioned the PHMSA's Office of Pipeline Safety (OPS) for a waiver from the pipeline safety standards at 49 CFR 195.306(c)(5) to allow the use of inert gas or carbon dioxide as the test medium for pressure testing an existing carbon dioxide pipeline.

**DATES:** Persons interested in submitting written comments on the waiver request described in this Notice must do so by August 15, 2005. Late filed comments will be considered so far as practicable.

**ADDRESSES:** You may submit written comments by mailing or delivering an original and two copies to the Dockets Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. The Dockets Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except on Federal holidays when the facility is closed. Alternatively, you may submit written comments to the docket electronically at the following Web address: <http://dms.dot.gov>.

All written comments should identify the docket and notice numbers stated in the heading of this notice. Anyone who wants confirmation of mailed comments must include a self-addressed stamped postcard. To file written comments electronically, after logging on to <http://dms.dot.gov>, click on "Comment/Submissions." You can also read comments and other material in the docket. General information about the Federal pipeline safety program is available at <http://ops.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, business, labor union, etc.).

**FOR FURTHER INFORMATION CONTACT:** James Reynolds by phone at 202-366-2786, by fax at 202-366-4566, by mail at DOT, PHMSA Office of Pipeline Safety, 400 7th Street, SW., Washington, DC 20590, or by e-mail at [james.reynolds@dot.gov](mailto:james.reynolds@dot.gov).

**SUPPLEMENTARY INFORMATION:** The gas pipeline safety regulation at 49 CFR 195.306(c)(5) allows an operator of a carbon dioxide pipeline to use inert gas or carbon dioxide as the test medium if the pipe involved is new pipe having a longitudinal joint factor of 1.00.

BOC Gases (BOC) is requesting the waiver to use carbon dioxide as the test medium in its carbon dioxide pipeline system. The BOC Carbon Dioxide Pipeline System is approximately 14 miles northwest of Green River, Wyoming and located in Sweetwater County; this is a remote, uninhabited area that does not lie within any city or other populated limits. The pipeline is 7 miles in length, constructed of 3.5-inch diameter, API 5L, Grade B Seamless pipe, and has a wall thickness of 0.300-inches.

BOC calculated the pipe's internal design pressure to be 4,320 pounds per square inch gauge (psig) using the formula in § 195.106 and pressure tested the pipe after construction; the minimum pressure was 3,575 psig and the pipe was tested for 2 hours. The pipeline is effectively coated and has had a sacrificial anode cathodic protection system since its construction.

In justification for this waiver request, BOC is proposing the following testing procedure:

- BOC would use liquid carbon dioxide to pressure test the entire 7 mile pipeline;
- The pipeline test pressure would be maintained at a minimum pressure of 3,575 psig or 60% of the pipeline's

specified minimum yield strength (SMYS) for at least 4 hours;

- The pipeline would be tested for an additional 4 hours at a minimum pressure of 3,146 psig or 48% of SMYS;
- Throughout the duration of the test, BOC personnel would be stationed along the pipeline to observe any conditions that might indicate leakage;
- BOC personnel would be in constant communication with its personnel who will supervise and conduct the pressure test; and
- During the pressure test, whenever the test pressure exceeds 50% SMYS, BOC's building facilities would be unoccupied and its personnel will be stationed along the pipeline where it parallels the state highway.

BOC believes that granting a waiver for this pipeline does not pose a risk to the public or the environment because this pipeline is in a remote location, in excellent condition, and will be tested and operated at a low percentage of SMYS.

OPS will consider any comments received in response to this Notice, and make a final determination to grant or deny the waiver as proposed, or with modifications. If the waiver is granted, and OPS subsequently determines that the effect of the waiver is no longer consistent with pipeline safety, OPS may revoke the waiver at its sole discretion.

This Notice is OPS's only request for public comment before making its final decision in this matter.

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

Issued in Washington, DC on July 7, 2005.

**Joy Kadnar,**

*Director of Engineering and Emergency Support.*

[FR Doc. 05-13864 Filed 7-13-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-05-21747; Notice 1]

### Pipeline Safety: Request for Waiver; Southern LNG

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

**ACTION:** Notice of intent to consider waiver request.

**SUMMARY:** Southern LNG (SLNG), requested a waiver of compliance from the regulatory requirements at 49 CFR

193.2301, which requires each LNG facility constructed after March 31, 2000 to comply with 49 CFR 193 and ANSI/NFPA 59A.

**DATES:** Persons interested in submitting written comments on the waiver request described in this Notice must do so by August 15, 2005. Late filed comments will be considered as far as practicable.

**ADDRESSES:** You may submit written comments by mailing or delivering an original and two copies to the Dockets Facility, U.S. Department of Transportation (DOT), Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. The Dockets Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except on Federal holidays when the facility is closed. Alternatively, you may submit written comments to the docket electronically at the following Web address: <http://dms.dot.gov>. All written comments should identify the docket and notice numbers stated in the heading of this notice. Anyone who wants confirmation of mailed comments must include a self-addressed stamped postcard. To file written comments electronically, after logging on to <http://dms.dot.gov>, click on "Comment/Submissions." You can also read comments and other material in the docket. General information about the Federal pipeline safety program is available at <http://ops.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** James Reynolds by telephone at 202-366-2786, by fax at 202-366-4566, by mail at DOT, Pipeline and Hazardous Materials Safety Administration (PHMSA) Office of Pipeline Safety (OPS), 400 7th Street, SW., Washington, DC 20590, or by e-mail at [james.reynolds@dot.gov](mailto:james.reynolds@dot.gov).

### SUPPLEMENTARY INFORMATION:

#### Background

Southern LNG (SLNG), an El Paso Company, requests a waiver of compliance from the regulatory requirements at 49 CFR 193.2301. This regulation requires each LNG facility constructed after March 31, 2000 to comply with 49 CFR 193 and ANSI/NFPA 59A.