

Issued in Washington, DC, on December 30, 2005.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2004-19857]

#### Pipeline Safety: Public Meeting on Operator Qualifications

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

**ACTION:** Notice of availability of materials from public meeting; request for comments.

**SUMMARY:** This notice announces the availability of materials, including a revised concept paper, presented at the public meeting on operator qualification programs on December 15, 2005. PHMSA is preparing a report to Congress on the status and results of these programs to ensure the qualifications of individuals performing safety tasks on pipelines. Participants at the meeting discussed progress on operator qualification programs to help PHMSA prepare the report to Congress. Participants also discussed the potential for strengthening operator qualification programs. PHMSA requests public comment on these matters.

**DATES:** Submit comments on the progress on operator qualification programs by January 20, 2006. Submit comments on the potential for strengthening operator qualification programs by February 10, 2006.

**ADDRESSES:** You may file written comments by mail or deliver them 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 Federal holidays. You also may file written comments to the docket electronically by logging onto the following Internet Web address: <http://dms.dot.gov>. Click on "Help & Information" for instructions on how to file a document electronically. All written comments should reference docket number PHMSA-2004-19857. Anyone who would like confirmation of mailed comments must include a self-addressed stamped postcard.

*Privacy Act Statement:* Anyone may search the electronic form of all

comments received for any of our dockets. 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:

Barbara Betsock at (202) 366-4361 or [Barbara.Betsock@dot.gov](mailto:Barbara.Betsock@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Pipeline Safety Improvement Act of 2002 directs PHMSA to file a report to Congress on the status and results of the operator qualification programs by December 17, 2006. To complete this report on time, PHMSA requests comments on the progress of these programs.

In addition, PHMSA is considering additional action to strengthen operator qualification programs. PHMSA announced the December 15, 2005, public meeting in a **Federal Register** notice on October 28, 2005 (70 FR 62161). Before the meeting, PHMSA posted a concept paper on its Web page (<http://ops.dot.gov>). Based on discussions during the public meeting and during a meeting of PHMSA's pipeline safety advisory committees on December 13, 2005, PHMSA posted a revised concept paper. PHMSA requests comments on the approach to strengthening operator qualification programs outlined in this revised concept paper.

Issued in Washington, DC, on December 29, 2005.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF THE TREASURY

### Departmental Offices; Interim Guidance Concerning the Terrorism Risk Insurance Extension Act of 2005

**AGENCY:** Departmental Offices, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This notice provides interim guidance to insurers, policyholders, state insurance regulators and the public concerning recent statutory amendments to the Terrorism Risk Insurance Act of 2002 (Pub. L. 107-297, 116 Stat. 2322). In particular, this notice provides interim guidance on the types of commercial property and casualty insurance covered by the Act, the requirements to satisfy the Act's mandatory availability ("make

available") provision and on the operation of the new "Program Trigger" provision in section 103(e)(1)(B) of the Act.

**DATES:** This notice is effective immediately and will remain in effect until superceded by regulations or by subsequent notice.

#### FOR FURTHER INFORMATION CONTACT:

Howard Leikin, Deputy Director, Terrorism Risk Insurance Program or David J. Brummond, Legal Counsel, Terrorism Risk Insurance Program (202-622-6770).

**SUPPLEMENTARY INFORMATION:** This notice provides interim guidance to assist insurers and policyholders in understanding certain requirements of the Terrorism Risk Insurance Act of 2002 as amended by the Terrorism Risk Insurance Extension Act of 2005 (Pub. L. 109-144, 119 Stat. 2660) pending the issuance of regulations by the Department of the Treasury. The interim guidance contained in this notice may be relied upon by insurers in complying with these statutory requirements prior to the issuance of regulations, but is not the exclusive means of compliance. This interim guidance remains in effect until superceded by regulations or subsequent notice.

### I. Background

On November 26, 2002, the President signed into law the Terrorism Risk Insurance Act of 2002 (Pub. L. 107-297) (TRIA or the Act). The Act became effective immediately. It established a temporary Terrorism Risk Insurance Program (TRIP or the Program) of shared public and private compensation for insured commercial property and casualty losses resulting from an act of terrorism, as defined in the Act. The Act was scheduled to expire on December 31, 2005.

On December 22, 2005, the President signed into law the Terrorism Risk Insurance Extension Act of 2005 (Extension Act), which extends TRIA through December 31, 2007. In doing so, the Extension Act adds Program Year 4 (January 1-December 31, 2006) and Program Year 5 (January 1-December 31, 2007) to the Program. In addition, the Extension Act made other significant changes to TRIA that include:

- A revised definition of "Insurer Deductible" that adds new Program Years 4 and 5 to the definition. The insurer deductible is set as the value of an insurer's direct earned premium for commercial property and casualty insurance (as now defined in the Act) over the immediately preceding calendar year multiplied by 17.5 percent