

Note: The amendment denoted by an asterisk (*) includes a change to the PFC level charged from \$3.00 per enplaned passenger to \$4.50 per enplaned passenger. For Albany, NY, this change is effective on September 1, 2009.

Issued in Washington, DC, on November 30, 2009.

Joe Hebert,

Manager, Financial Analysis and Passenger Facility Charge Branch.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2009-0349]

Pipeline Safety: Operator Qualification (OQ) Program Modifications

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

ACTION: Notice; Issuance of Advisory Bulletin.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration (PHMSA) is issuing this Advisory Bulletin to inform pipeline operators about the standardized notification process for operator qualification (OQ) plan transmittal from the operator to PHMSA. This Advisory Bulletin also informs operators about the addition to PHMSA's glossary of definitions of the terms "Observation of on-the-job performance" as applicable to determining employee qualification and "Significant" as applicable to OQ program modifications requiring notification. Finally, it makes other miscellaneous clarifications to assist operators in complying with OQ program requirements.

FOR FURTHER INFORMATION CONTACT: Warren Miller by phone at 816-329-3815 or by e-mail at warren.miller@dot.gov regarding the subject matter of this Advisory Bulletin, or the Dockets Unit, (202) 366-4453, for copies of this Advisory Bulletin or other material in the docket. All materials in this docket may be accessed electronically at <http://dma.dot.gov>. General information about the PHMSA Office of Pipeline Safety (OPS) can be obtained by accessing OPS's Internet home page at <http://www.phmsa.dot.gov/pipeline>.

SUPPLEMENTARY INFORMATION:

I. Background

On March 3, 2005, PHMSA issued a Direct Final Rule (70 FR 10332) on

qualification of pipeline personnel which amended the requirements for pipeline operators to develop and maintain a written qualification program for individuals performing covered tasks on pipeline facilities. In response to implementation issues and questions that arose after the rule was published, PHMSA has previously published Advisory Bulletins regarding OQ programs. These bulletins remain relevant:

- ADB-04-05, Operator Qualification Requirements, published November 26, 2004.
- ADB-06-01, Notice to Operators of Natural Gas and Hazardous Liquid Pipelines to Integrate Operator Qualification Regulations into Excavation Activities, published January 17, 2006.

Based on input from State pipeline safety program managers and the PHMSA Federal and State OQ Team, PHMSA has developed a standardized process for OQ plan transmittal from the operator to PHMSA. The team also developed definitions of the terms "Observation of on-the-job performance" as applicable to determining employee qualification and "Significant" as applicable to OQ program modifications requiring notification. PHMSA has added these definitions to its glossary of terms. Finally, the team identified other miscellaneous clarifications to assist operators in complying with OQ program requirements.

II. Advisory Bulletin ADB-09-03

To: Owners and Operators of Hazardous Liquid and Natural Gas Pipeline Systems.

Subject: Operator Qualification Programs.

Advisory: This Advisory Bulletin informs pipeline operators about the standardized notification process for operator qualification (OQ) plan transmittal from the operator to PHMSA. This Advisory Bulletin also informs operators about the addition to PHMSA's glossary of definitions of the terms "Observation of on-the-job performance" as applicable to determining employee qualification and "Significant" as applicable to OQ program modifications requiring notification. Finally, it makes other miscellaneous clarifications regarding OQ programs.

Standardized Plan Transmittal Process

Operators should send notifications of significant modification of an OQ Program to the OPS Information Resource Manager by e-mail at InformationResources

Manager@phmsa.dot.gov or mail to U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety, Information Resources Manager, 1200 New Jersey Avenue, SE., East Building, 2nd Floor (PHP-10), Room E22-321, Washington, DC 20590.

Note: Operators subject to regulation by State agencies are required to send OQ notifications directly to each State agency.

Regardless of the delivery method, each notification to PHMSA should include:

1. OPID(s), operator name(s), HQ address. Name of individual submitting notification, Data/email/phone number, Commodity (gas/liquid/both), PHMSA Region(s) where pipeline(s) operate, and names of respective facilities or pipeline systems where changes apply.

2. Complete Plan accompanied by revision/change log and effective date of change(s). The plan should be notated such that changed areas of the plan can be readily identified. Employee-specific information (*i.e.*, social security numbers) and testing material are not needed.

Definitions

With respect to the use of "Observation of on-the-job performance" as a means of determining employee qualification, PHMSA has added a definition of this term to its glossary of terms on the PHMSA Primis OQ Web site at <http://primis.phmsa.dot.gov/oq/glossary.htm>. PHMSA also added a definition of the word "significant" to the glossary as it applies to modifications to an operator's OQ program. The definitions read as follows:

Observation of On-The-Job Performance

1. Observation without interaction during on-the-job performance does not provide an adequate measurement of the knowledge and skills of the individual;

2. PHMSA has determined that there are no covered tasks to date where observation of on-the-job performance is an adequate, sole method for examining or testing qualification; and

3. Observation of on-the-job performance does not measure the individual's ability to recognize and react to abnormal operation conditions (AOCs).

Significant

As applicable to OQ program modifications, *significant* includes but is not limited to: increasing evaluation intervals, increasing span of control ratios, eliminating covered tasks, mergers and/or acquisition changes,

evaluation method changes such as written vs. observation, and wholesale changes made to OQ plan.

Miscellaneous Clarifications

Finally, in order to clarify the requirements of 49 CFR 192.605(a) and 195.402(a) as they apply to OQ and written OQ program reviews, the following information is provided:

1. The OQ process and procedures are an important part of an operator's manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies (Operations and Maintenance (O&M) Plan).

a. Operators' review of their OQ Plan in accordance with §§ 192.605(a) and 195.402(a) should be conducted in connection with their reviews of their O&M Plans every 15 months, but at least once each calendar year.

b. Operators' "periodic review of work" being done in accordance with §§ 192.605(b)(8) and 195.402(c)(13), should include evaluation of OQ procedure effectiveness to identify where corrective actions are needed to address deficiencies. Examples of issues that need to be reviewed to determine the effectiveness of an OQ Program:

- Adequacy of training for specific covered task(s),
- Adequacy of evaluation(s) to determine if individual has required knowledge, skills, and abilities,
- Adequacy of individual to recognize AOC(s), and
- Adequacy of individual to take appropriate action after AOC.

2. Operators should ensure the record it maintains of its annual O&M review, as required by §§ 192.605(a) and 195.402(a), specifically notes that the OQ Plan was included in the review. The record should include the name of reviewer and date(s) of review. Alternatively, the operator's review procedures may clearly indicate which procedures are to be evaluated during the annual review.

3. PHMSA will inspect annual review records to assure OQ Plans are being evaluated and may take compliance action where non-compliance is found.

Issued in Washington, DC on November 25, 2009.

Byron Coy,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. E9-29073 Filed 12-4-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-5578; FMCSA-1999-6480; FMCSA-2001-11426; FMCSA-2001-10578; FMCSA-2002-12844; FMCSA-2003-15268; FMCSA-2003-15892; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2007-27897]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 27 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective December 27, 2009. Comments must be received on or before January 6, 2010.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA-1999-5578; FMCSA-1999-6480; FMCSA-2001-11426; FMCSA-2001-10578; FMCSA-2002-12844; FMCSA-2003-15268; FMCSA-2003-15892; FMCSA-2005-21711; FMCSA-2005-22194; FMCSA-2007-27897, using any of the following methods.

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

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

• *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

• *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number for this Notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including

any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476). This information is also available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 27 individuals who have requested a renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 27 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: