

published on April 27, 2012, in the ROD approved on June 5, 2012, and in other documents in the FHWA project records. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4347]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128]; Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [SAFETEA-LU—23 U.S.C. 139].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531, *et seq.*]; Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801, *et seq.*]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667 (d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; Bald and Golden Eagle Protection Act [16 U.S.C. 668–668(c)].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f)]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. Social and Economic: Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000(d) *et seq.*]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. Hazardous Materials and Waste: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).
8. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251–1377]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287];

Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133 (b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1)

Issued On: June 5, 2012.

**Michelle Eraut,**

*Program Development Team Leader Salem, Oregon.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2012–0079]

#### Pipeline Safety: Mechanical Fitting Failure Reports

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

**ACTION:** Notice; Issuance of Advisory Bulletin.

**SUMMARY:** This notice provides clarification to owners and operators of gas distribution pipeline facilities when completing the Mechanical Fitting Failure Report Form, PHMSA F 7100.1–2. Initial reviews of reports submitted for calendar year 2011 failures have identified a need for PHMSA to issue this notice to provide operators with additional guidance for reporting the apparent cause. PHMSA has also enhanced the online submittal process and plans to implement further improvements.

**ADDRESSES:** This document can be viewed on the PHMSA home page at: <http://www.phmsa.dot.gov> and in docket number PHMSA–2012–0079 at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Chris McLaren, Distribution Integrity Management Program Coordinator at 281–216–4455, or by email at [chris.mclaren@dot.gov](mailto:chris.mclaren@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 192.1009 of the pipeline safety regulations (49 CFR parts 190–199) requires each owner or operator of a gas distribution pipeline facility to file a written report for any mechanical fitting failure that results in a hazardous leak. A hazardous leak is defined in § 192.1001 as a leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous. Each report must be filed by March 15 of the following year on a Mechanical Fitting Failure Report Form (PHMSA F 7100.1–2).

A report is required for all failures regardless of the material composition, type, manufacturer, or size of the fitting. The reporting requirements apply to all failures that result in a hazardous leak due to the use of a fitting and may include failures in the body of the mechanical fitting, failures in the joints between the fitting and the pipe, indications of leakage from the seals associated with the fitting, and partial or complete separation of the pipe from the fitting. Operators are to report all mechanical fitting failures regardless of the cause. It is important to note that PHMSA does not seek information related to failures of cast iron bell and spigot joints unless the leak resulted from a failure of a mechanical fitting used to repair or reinforce a joint.

Question 15, “Apparent Cause of Leak”, under Part C of PHMSA F 7100.1–2 specifies various apparent causes of leaks. These causes include “Corrosion,” “Natural Forces,” “Excavation Damage,” “Other Outside Force Damage,” “Material or Welds/Fusions,” “Equipment,” “Incorrect Operation,” and “Other.” These apparent cause options contain two potential options for a failure that apparently results from incorrect installation of the mechanical fitting. One option is “Material or Welds/Fusions” with a subcategory of “Construction/Installation Defect.” The other option is “Incorrect Operation.” PHMSA prefers that failures resulting from an installation defect be reported

using "Incorrect Operation" as the apparent cause. It is PHMSA's intent to capture failure data under the "Material or Welds/Fusions" leak cause category that is specific to manufacture, fabrication, material, and design defects.

In addition, operators have contacted PHMSA with a suggestion to expedite the finalization and electronic submission of reports. Many operators have developed unique identifiers for their mechanical fitting failures. These operators have suggested that the form be revised to allow the addition of this unique identifier to each report. This will allow for ease of identification and prevention of duplicate filing. PHMSA has revised the form to collect this information.

Over eight thousand Mechanical Fitting Failure Reports were received during calendar year 2011. Several operators have requested the ability to submit multiple reports simultaneously. PHMSA has begun work on a function within the online system to allow the simultaneous submission of multiple reports.

## II. Advisory Bulletin (ADB-2012-07)

*To:* All Gas Distribution Operators.  
*Subject:* Completion of Mechanical Fitting Failure Report Form, Leak Causes.

*Advisory:* As specified in § 192.1009, operators of all gas distribution pipeline facilities are required to report the failure of any mechanical fitting that results in a hazardous leak on a Mechanical Fitting Failure Report Form (PHMSA F 7100.1-2). The report is required for all failures regardless of the material composition, type, manufacturer, or size of the fitting. Operators are to report all mechanical fitting failures regardless of the cause. Reporting requirements also apply to failures resulting from the use of a fitting and may include failures in the body of mechanical fitting, failures in the joints between the fitting and the pipe, indications of leakage from the seals associated with the fitting, and partial or complete separation of the pipe away from the fitting. However, PHMSA does not seek information related to failures of cast iron bell and spigot joints unless the leak resulted from a failure of a mechanical fitting used to repair or reinforce a joint.

The apparent cause options under Part C, Question 15 (Apparent Cause of Leak) on PHMSA F 7100.1-2 contain two potential options for a failure that apparently results from incorrect installation of the mechanical fitting. One option is "Material or Welds/Fusions" with a subcategory of "Construction/Installation Defect." The

other option is "Incorrect Operation." PHMSA prefers that failures resulting from an installation defect be reported using "Incorrect Operation" as the apparent cause. It is PHMSA's intent to capture failure data under the "Material or Welds/Fusions" leak cause category that is specific to manufacture, fabrication, material, and design defects.

When creating a report in PHMSA's online system, operators may now include a unique identifier for each report to help operators distinguish reports.

Several operators have requested the ability to submit multiple reports simultaneously. PHMSA has begun work on a function within the online system to allow the simultaneous submission of multiple reports.

Issued in Washington, DC on June 4, 2012.

**Jeffrey D. Wiese,**

*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. PHMSA-2012-0112]

#### Pipeline Safety: Requests for Special Permit

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Federal pipeline safety laws, PHMSA is publishing this notice of special permit requests we have received from Norgasco, Inc., and BreitBurn Energy Company LP, two natural gas pipeline operators, seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. This notice seeks public comments on the requests, including comments on any safety or environmental impacts. At the conclusion of the 30-day comment period, PHMSA will evaluate the requests and determine whether to grant or deny a special permit.

**DATES:** Submit any comments regarding these special permit requests by July 11, 2012.

**ADDRESSES:** Comments should reference the docket numbers for the specific special permit request and may be submitted in the following ways:

- *E-Gov Web Site:* <http://www.Regulations.gov>. This site allows the public to enter comments on any

**Federal Register** notice issued by any agency.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* DOT Docket Management System: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.Regulations.gov>.

**Note:** Comments are posted without changes or edits to <http://www.Regulations.gov>, including any personal information provided. There is a privacy statement published on <http://www.Regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

*General:* Kay McIver by telephone at (202) 366-0113; or, email at [kay.mciver@dot.gov](mailto:kay.mciver@dot.gov).

*Technical:* Jeffery Gilliam by telephone at (202) 366-0568; or, email at [Jeffery.Gilliam@dot.gov](mailto:Jeffery.Gilliam@dot.gov).

**SUPPLEMENTARY INFORMATION:** PHMSA has received requests for special permits from two natural gas pipeline operators, Norgasco, Inc., ("NI"), and BreitBurn Energy Company LP ("BreitBurn") seeking relief from compliance with certain pipeline safety regulations.<sup>1</sup> The requests include a technical analysis provided by the operators. The requests are filed in the Federal Docket Management System (FDMS) and have been assigned docket numbers, (Norgasco—PHMSA-2011-0344 and BreitBurn—PHMSA-2011-0343) in the FDMS. We invite interested persons to participate by reviewing these special permit requests at <http://www.Regulations.gov>, and by submitting written comments, data or other views. Please include any comments on potential environmental

<sup>1</sup> Effective December 31, 2011, BreitBurn Energy Company LP, changed its name to Pacific Coast Energy Company, LP.