

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-20782; Notice 1]

Porsche Cars North America, Inc.,
Receipt of Petition for Decision of
Inconsequential Noncompliance

Dr. Ing. h.c.F Porsche AG has determined that certain vehicles that it manufactured for model years 2003, 2004 and 2005 do not comply with S4.2.2(a) of 49 CFR 571.114, Federal Motor Vehicle Safety Standard (FMVSS) No. 114, "Theft protection." On behalf of Dr. Ing. h.c.F Porsche AG, Porsche Cars North America, Inc. (Porsche) has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Porsche has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Porsche's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Approximately 28,949 model year 2003, 2004, and 2005 Porsche Cayenne, Cayenne S and Cayenne Turbo vehicles are affected. S4.2.2(a) of FMVSS No. 114 requires that

* * * provided that steering is prevented upon the key's removal, each vehicle * * * [which has an automatic transmission with a "park" position] may permit key removal when electrical failure of this [key-locking] system * * * occurs or may have a device which, when activated, permits key removal.

In the affected vehicles, the steering does not lock when the ignition key is removed from the ignition switch using the optionally provided device that permits key removal in the event of electrical system failure or when the transmission is not in the "park" position.

Porsche believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Porsche states the following in its petition:

The ignition key/transmission interlock requirements of S4.2 were promulgated in Docket 1-21 (Notice 9 published in May 30, 1990). In that notice there was no provision for an emergency operation system to permit ignition key removal when the transmission is not in "Park" position. In response to several automobile manufacturer petitions for reconsideration, the agency published Notice

10 (March 26, 1991) to supplement S4.2 by the addition of S4.2.1 and S4.2.2 that did permit an emergency operation system to be located behind an opaque cover that could only be removed via the use of a tool. The use of the emergency operation system allows the removal of the ignition key when the transmission is not in "Park." The emergency operation system would also permit moving the shift lever out of "Park" position after removal of the ignition key. The use of the emergency operation system was dependent upon the steering system being locked whenever the ignition key is removed.

Some manufacturers again filed petitions for reconsideration to the Notice 10 amendment which the agency responded [to] in Notice 11 (January 17, 1992). Notice 11 amended S4.2.2(a) to permit ignition key removal even if the transmission were not in "Park" if there is an electrical failure of the vehicle without activation of the emergency operating system. When the vehicle's electrical system was behaving normally, removal of the ignition key in transmission positions other than "Park" would only be permissible via the emergency operation system. Ignition key removal in transmission shift positions other than "Park" required, as before, that the steering system would lock.

The requirement that the steering be locked when the ignition key is removed was debated in both Notice 10 and 11 "to ensure that Standard No. 114's theft protection aspects are not jeopardized." Nothing in the record indicates that this requirement was based on a need to prevent personal or property damage.

Porsche states that it believes the noncompliance is inconsequential to motor vehicle safety because the steering lock function when the vehicle is without electrical power and the ignition key is removed has no safety implication because the vehicle is immobilized. Porsche explains:

In the Cayenne models at issue here the removal of the ignition key using the emergency operation system is a vehicle security function to prevent the vehicle from being driven by simply jump-starting the vehicle, due to the fact that the vehicle is equipped with an immobilizer that prevents starting of the vehicle without the electronically coded ignition key. The key-code is recorded in the engine control module and cannot be electrically bypassed.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC, 20590-0001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400

Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 am to 5 pm except Federal holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: (30 days after Publication Date).

Authority: (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8)

Issued on: April 5, 2005.

Ronald L. Medford,

Senior Associate Administrator for Vehicle Safety.

[FR Doc. 05-7198 Filed 4-8-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials
Safety Administration

[Docket No. PHMSA-05-20920]

Pipeline Safety: Meeting on Pipeline
Repairs and Permitting

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

ACTION: Notice of meeting

SUMMARY: On May 6, 2005, OPS will hold a meeting to discuss pipeline repairs and permitting. This meeting provides the pipeline industry an opportunity to share its experience with making pipeline repairs and obtaining permits.

ADDRESSES: The May 6, 2005, meeting will be held at the Hyatt Regency Reston Hotel, 1800 Presidents Street, Reston, VA 20190. The telephone number to call for reservations at the Hyatt Regency Reston Hotel is (703) 925-8225. The

particular meeting room will be posted by the hotel the day of the meeting.

FOR FURTHER INFORMATION CONTACT: Mike Khayata, OPS, (404) 832-1155 or Rita Freeman-Kelly, OPS (202) 366-5443 about the subject matter in this notice.

SUPPLEMENTARY INFORMATION:

Integrity Management Program

The nation's existing pipeline infrastructure requires regular safety and environmental reviews to ensure its reliability and safety. To further strengthen safety of the pipeline infrastructure and following pipeline ruptures in Bellingham, Washington, and Carlsbad, New Mexico, OPS developed the integrity management program (IMP) requirements. OPS amended 49 CFR part 195 to require operators of pipelines transporting hazardous liquid pipeline facilities to ensure the integrity of pipeline segments that, in the event of a leak or rupture, could impact High Consequence Areas (HCAs), which are populated areas, areas unusually sensitive to environmental damage, and commercially navigable waterways. As part of the IMP requirements operators must (1) identify HCAs relevant to their pipelines; (2) systematically identify risks to those segments of pipelines that could affect HCAs; and (3) address those risks through specified methods.

While OPS was developing the gas IMP requirements, Congress passed the Pipeline Safety Improvement Act of 2002 (PSIA), (Pub. L. 107-355; codified at 49 U.S.C. 60101 *et seq.*). The PSIA mandated that PHMSA (formerly the Research and Special Programs Administration) adopt regulations for gas integrity management. The regulations addressing gas integrity management programs are addressed in 49 CFR part 192, subpart O.

Both the liquid and gas IMP requirements establish a timetable for the initial inspection and periodic re-inspection of pipelines. Pipeline defects are categorized according to detailed IMP criteria, with specific repair actions and timeframes for each, depending on the severity of the defect. OPS designed its approach to achieve greater safety by establishing performance-based requirements that allow operators to determine the most appropriate inspection processes and technologies to use in their integrity management programs.

Operators now have some experience with IMP and have expressed concerns to OPS about their ability to make repairs within the required timeframes.

Permit Streamlining

Section 16 of the PSIA directed Federal agencies with responsibility over pipeline repairs to participate in an Interagency Committee (IAC) and enter into a Memorandum of Understanding (MOU) to provide a coordinated and expedited pipeline repair permit review process. In 2003, the IAC was established to implement a coordinated environmental review and permitting process that allows pipeline repairs to be completed within the timeframes specified in 49 CFR parts 192 and 195.

The IAC, organized by the Council on Environmental Quality (CEQ) (which oversees and assists all IAC member Federal agencies with their efforts to expedite their review of permits), includes representatives of Federal agencies with responsibilities for pipeline repair projects. In June 2004, participating Federal agencies signed the MOU on "Coordination of Environmental Reviews for Pipeline Repair Projects." The MOU identifies the roles and responsibilities of each party, thereby improving the permitting process coordination. In signing this MOU, the IAC intends to expedite the environmental permit process while maintaining safety, public health, and environmental protections. The IAC therefore recognizes that early planning, notice, and consultation among pipeline operators and various Federal agencies can result in timely decisions enabling critical repair actions to move forward within the context of resource conservation.

During the June 2004 Oversight Hearing on Pipeline Safety, CEQ Chairman James Connaughton identified four initiatives that the IAC would explore to improve the permit streamlining process: (1) Early consultation and coordination to minimize impacts on energy supply and price; (2) consolidation of existing permitting processes; and (3) adoption of best practices for repairs and consideration of categorical exclusions under the National Environmental Policy Act; and (4) identification of instances where permit delays, specific issues, and additional authorizations prevent time-sensitive repairs under current regulations. Improving the process will help ensure that timely decisions are made to enable pipeline repairs to occur within the time periods specified by 49 CFR Parts 192 and 195, while ensuring the environmental review and permitting responsibilities of participating Federal agencies are achieved.

During the meeting, OPS would like participants to discuss the repair

process, repair criteria, and the agency permitting process. During the discussion on the repair process, and in exploring ways to streamline the permit process, OPS would like participants to share the type of experience they have had with the repair process, *e.g.*, pipeline assessment, excavations, and nature of repairs. For the repair criteria, OPS would like participants to describe their experience with factors that allow them to meet or prevent them from meeting the repair criteria defined in the gas or hazardous liquid IMP regulations. OPS would also like participants to share their experience with the Federal permitting process, such as the type of permits requested, and the average time it takes to obtain permits.

The agenda for this meeting will include a discussion on:

- Repair Process
- Repair Criteria
- Agency Permitting Process

OPS plans to establish a docket and place the record of the meeting in the docket (<http://www.dms.gov>). Interested persons may also submit their views to the docket following the meeting.

Authority: 49 U.S.C. 60102 and 60133.

Issued in Washington, DC on April 6, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05-7267 Filed 4-6-05; 3:46 pm]

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DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Companion Property and Casualty Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 10 to the Treasury Department Circular 570; 2004 Revision, published July 1, 2004, at 69 FR 40224.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874-6850.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following Company under 31 U.S.C. 9304 to 9308. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2004 Revision, on page 40233 to reflect this addition: *Company Name:* Companion Property and Casualty Insurance Company. *Business Address:*