

Dated: July 5, 2006.

**Murray Bloom,**

*Acting Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2006-24707; Notice 2]

#### Pilkington Glass of Canada Ltd., Grant of Petition for Decision of Inconsequential Noncompliance

Pilkington Glass of Canada Ltd. (Pilkington) has determined that certain aftermarket windshields that it manufactured in 2005 and 2006 do not comply with S6.2 and S6.3 of 49 CFR 571.205, Federal Motor Vehicle Safety Standard (FMVSS) No. 205, "Glazing Materials." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Pilkington has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Notice of receipt of a petition was published, with a 30-day comment period, on May 19, 2006, in the **Federal Register** (71 FR 29214). NHTSA received no comments.

Affected are a total of approximately 760 aftermarket number GW1549GBY windshields manufactured between September 9, 2005 and March 31, 2006. Pilkington explains that the exact number of noncompliant windshields is unknown, but that 8.1 percent of the windshields that remain in the company's possession are noncompliant, and applying that percentage to the 9,383 windshields that have been distributed produces a result of approximately 760 windshields. S6.2 and S6.3 of FMVSS No. 205 require that each windshield be marked with certain information including a manufacturer's model number and manufacturer's code mark. The affected windshields are marked with either an illegible model number or an illegible manufacturer's code. Pilkington has corrected the problem that caused these errors so that they will not be repeated in future production.

Pilkington believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. The petitioner states that the windshields are clearly inscribed "Pilkington" and "Made in Canada," which would allow a distributor or consumer to clearly identify the manufacturer. Pilkington

further states that consumers do not need the illegible information to operate their vehicles safely, and "repair shops typically do not use the model number in deciding upon the size or model of the replacement glass. Instead, [they] generally use various manuals and web sites \* \* \* such as \* \* \* National Auto Glass Specifications." Pilkington also states that it has taken action to prevent additional sales of these windshields by notifying wholesalers and distributors to return windshields with the noncompliant markings.

NHTSA agrees with Pilkington that the noncompliance is inconsequential to motor vehicle safety. The manufacturer can be identified by the words "Pilkington" and "Made in Canada," which are inscribed on the windshield. To identify the proper replacement glass, a repair facility would presumably follow the typical practice of using references such as the National Auto Glass Specifications web site and manuals. Therefore this noncompliance does not present a safety problem in terms of replacement or recall. The windshields meet all other FMVSS requirements.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Pilkington's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

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

Issued on July 5, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2006-23998; Notice 2]

#### Pipeline Safety: Grant of Waiver; Rockies Express Pipeline

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

**ACTION:** Grant of waiver.

**SUMMARY:** PHMSA is granting Rockies Express Pipeline, L.L.C. (Rockies Express) a waiver of compliance from the pipeline safety regulation that

prescribes the design factor to be used in the design formula for steel pipe. This waiver allows the Rockies Express pipeline to operate at hoop stresses up to 80 percent of the specified minimum yield strength (SMYS) in Class 1 locations. The waiver also grants Rockies Express relief from equipment requirements for pressure relieving and limiting stations.

Before granting the waiver, PHMSA performed a thorough technical review of Rockies Express's application and supporting documents. PHMSA requested and received supplementary information pertaining to numerous technical aspects of its metallurgy, pipeline design, and engineering practices. These materials are available in the docket PHMSA-2006-23998 at <http://dms.dot.gov>. PHMSA also sought comments from the public and received positive feedback from the impacted States along the pipeline and the Technical Pipeline Safety Standards Committee.

The waiver is subject to and conditional upon supplemental safety criteria set forth in this notice. The supplemental safety criteria address the life cycle management of the subject pipeline and require Rockies Express to adhere to maintenance, inspection, monitoring, control, and reporting standards exceeding existing regulatory requirements.

#### SUPPLEMENTARY INFORMATION:

##### Background

Rockies Express is a joint development of Kinder Morgan Energy Partners, L.P. and Sempra Pipelines & Storage, a subsidiary of Sempra Energy. Rockies Express is obtaining regulatory approvals to construct a new 1,323-mile interstate natural gas pipeline. When it is complete, the 42-inch diameter pipeline will transport natural gas from basins in Colorado and Wyoming to markets in the upper Midwest and Eastern United States. The pipeline will cross portions of Wyoming, Colorado, Nebraska, Missouri, Illinois, Indiana, and Ohio.

Rockies Express plans to construct the pipeline in three phases. The first or western segment of the pipeline will be approximately 710 miles long. It will start at the hub in Cheyenne, Wyoming and extend to an interconnection with the Panhandle Eastern Pipe Line Company in Audrain County, Missouri. Four additional compressor stations will be installed at the Cheyenne Hub to support operations. The second or central segment of the pipeline will be approximately 425 miles long and extend from the terminus of the western segment of the pipeline in Audrain