

(c) All existing antenna structures required to be illuminated shall be brought into conformity herewith within 6 months after September 5, 1970, at any station for which the authorization is renewable on or prior to that date, and within 3 months following the renewal of an authorization renewable after September 5, 1970.

(d) Nothing in the notification criteria concerning antenna structures or locations, as set forth in Subpart B of this part, shall apply to painting and lighting those structures authorized prior to September 5, 1967, except where lighting and painting requirements are reduced, in which case the lesser requirements may apply upon approval of an application to the Commission for such reduction.

[F.R. Doc. 70-14180; Filed, Oct. 20, 1970; 8:49 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192-1; Docket No. OPS-4]

#### PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

##### Filing of Inspection and Maintenance Plans

The purpose of this amendment is to establish regulations for the filing of inspection and maintenance plans, and changes thereto, as required by section 11 of the Natural Gas Pipeline Safety Act. This amendment was proposed in a notice of rule making issued on December 31, 1969 (OPS Notice 69-4, 35 F.R. 325, January 8, 1970) which was subsequently amended (OPS Notice 70-9, 35 F.R. 8833, June 6, 1970).

The majority of the comments were addressed to only one point, the proposed filing date. It was in response to these comments that the proposal was amended to delay for 6 months the proposed filing date. This delay permits the operators to revise their inspection and maintenance plans so as to comply with the new minimum Federal standards before they are filed.

As finally issued, this filing date has been further modified due to the expiration and renewal of certifications and agreements. When a certification or agreement is in effect in a particular State, these plans must be filed with the appropriate State agency. A number of existing certifications and agreements expire and are renewed at the end of the calendar year and it is possible that some may not be renewed until the last few days of the calendar year. Consequently, operators in these States would not know where the plans must be filed in sufficient time to meet the January 1, 1971, deadline. In this situation, their only recourse would be to file plans with both the State agency and the Department. To avoid

the administrative problems associated with this course of action, the operators will not be required to file the inspection and maintenance plans until February 1, 1971.

A number of comments also stated that the proposal seemed to require the filing of all changes with the Office of Pipeline Safety even though the basic plan was on file with a State agency. To avoid this interpretation, the section has been reorganized. A new paragraph (c) has also been added to state the address to which the plans can be mailed for filing purposes.

The second sentence of proposed § 170.7(a) stated: "This requirement shall not apply to any person who is required to file such a plan with a State agency that has in effect a certification under section 5(a) or agreement under section 5(b) of the Natural Gas Pipeline Safety Act of 1968". One comment suggested that this requirement should not apply to persons operating intrastate facilities in a State that had certified, regardless of whether or not that person was required to file a plan by that State. This conclusion was based on the assumption that section 5(a) of the Act requires only that a State certify that it has authority to require the filing of plans, not that this authority be implemented. This comment ignores the mandate of section 11 of the Act, which is made clear by the House of Representatives Committee report quoted in the preamble to Notice 69-4. In part, this report states "The filing of such plans is mandatory under the bill as to all gathering, transmission and distribution pipelines and pipeline facilities which are not under the jurisdiction of the Federal Power Commission under the Natural Gas Act" (H. Rept. No. 1390, 90th Cong., 2d sess., p. 24).

Thus, establishing a regulation to require the filing of plans under section 11 of the bill for pipeline facilities not under the jurisdiction of the Federal Power Commission is not an action that is discretionary with the Secretary or the State agencies since it is clear that Congress intended that such implementing regulations be adopted in each jurisdiction. Therefore, a State must not only have authority to require the filing of inspection and maintenance plans, but must actually exercise that authority to meet the requirements of section 5(a) of the Act. The Federal regulations are written so as to assure that each company subject to the Act is complying with the Congressional intent since it is excepted from filing an inspection and maintenance plan with the Department only if it is required to file with a State agency.

It was suggested by some comments that it was not necessary that there be an actual filing of inspection and maintenance plans with a State or Federal agency and that it would be sufficient to require merely that such plans be established by each operating company and made available for inspection on request. The Department does not agree that such a system would be consistent

with the requirements of section 11 of the Act. The Act requires these documents to be filed to place on record a plan which the operator intends to follow in inspecting and maintaining his pipeline facilities. Once this plan is on record, it becomes, in effect, a regulation for the operator who filed it and it must be complied with under section 8(a)(2) of the Act. It is for this purpose that § 192.17 is being established.

Several commenters stated that the requirement that changes in established inspection and maintenance plans must be filed within 10 days after the change is made would be unduly restrictive. It is recognized that a 10-day requirement could at times be burdensome and it has been determined that a 20-day requirement should ensure that the Department's records are kept reasonably current.

Several State agencies included with their comments copies of guidelines that had been prepared to assist operating companies in preparing inspection and maintenance plans. At the present time, the Department does not intend to prescribe minimum requirements for inspection and maintenance plans other than those substantive requirements contained in the minimum Federal safety standards. As the Department gains experience from reviewing the filed plans, this decision will be reviewed and additional requirements for such plans may be established in the future. In any event, the Department appreciates the work that several of the State agencies have accomplished to date in this regard and further appreciates being kept informed of these State efforts.

One comment stated that inspection and maintenance plans are not appropriate for liquefied petroleum gas systems and that these systems should be exempted from these requirements since the Act was not intended to cover them. This contention was discussed and rejected in the preamble of the amendment establishing the minimum Federal safety standards. However, by virtue of placing this regulation in Part 192, the exemption of systems serving less than 10 customers that are not located in a public place, as specified in § 192.11, will apply. Thus, many of the smaller LPG systems will not be required to file such plans.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended by adding the following new section after § 192.15, effective January 1, 1971.

##### § 192.17 Filing of inspection and maintenance plans.

(a) Except as provided in paragraph (b) of this section, each operator shall file with the Secretary not later than February 1, 1971, a plan for inspection and maintenance of each pipeline facility which he owns or operates. In addition, each change to an inspection and maintenance plan must be filed with the Secretary within 20 days after the change is made.

(b) The provisions of paragraph (a) of this section do not apply to pipeline facilities—

(1) That are subject to the jurisdiction of a State agency that has submitted a certification or agreement with respect to those facilities under section 5 of the Natural Gas Pipeline Safety Act (49 U.S.C. 1675); and

(2) For which an inspection and maintenance plan is required to be filed with that State agency.

(c) Plans filed with the Secretary must be sent to the office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590.

(Sec. 11, Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. sec. 1671, et seq.; Part 1, Regulations of Office of the Secretary of Transportation, 49 CFR Part 1; delegation of authority to Director, Office of Pipeline Safety, dated Nov. 6, 1968, 33 F.R. 16468)

Issued in Washington, D.C., on October 16, 1970.

JOSEPH C. CALDWELL,  
Acting Director,  
Office of Pipeline Safety.

[F.R. Doc. 70-14156; Filed, Oct. 20, 1970;  
8:48 a.m.]

## Chapter X—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-2 (Sub. No. 1); Ex Parte No. MC-37]

## PART 1048—COMMERCIAL ZONES

### New York, N.Y., Commercial Zone

At a session of the Interstate Commerce Commission, Review Board Number 3, held at its office in Washington, D.C., on the 22d day of September 1970.

It appearing, that on February 4, 1970, the Commission made and entered its report, 111 M.C.C. 123, and order in these proceedings;

It further appearing, that by petition filed June 12, 1970, the Reading Co. seeks restoration of the partial exemption provided by section 203(b)(8) of the Interstate Commerce Act as to defined areas of Port Reading, N.J., within the New York, N.Y., commercial zone;

And good cause appearing therefor:

It is ordered, That said proceeding, insofar as it relates to the zone adjacent to and commercially a part of New York, N.Y., be, and it is hereby, reopened for further consideration.

It is further ordered, That Part 1048 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

#### § 1048.1 New York, N.Y.

(a) The application of § 1048.101 Commercial Zones determined generally, with exceptions, is hereby extended to New York, N.Y.

(b) The exemption provided by section 203(b)(8) of the Interstate Commerce Act, of transportation by motor vehicle, in interstate or foreign commerce, performed wholly within the zone the limits of which are defined in paragraph (a) of this section, is hereby re-

moved as to all such transportation except:

(1) Transportation which is performed wholly within the following territory: The area within the corporate limits of the cities of New York, Yonkers, Mount Vernon, North Pelham, Pelham, Pelham Manor, Great Neck Estates, Floral Park, and Valley Stream, N.Y., and Englewood, N.J.; the area within the borough limits of Alpine, Tenafly, Englewood Cliffs, Leonia, Fort Lee, Edgewater, Cliffside Park, Fairview, Palisades Park, and Ridgefield, Bergen County, N.J.; and that part of Hudson County, N.J., east of Newark Bay and the Hackensack River;

(2) Transportation which is performed in respect of a shipment which has had a prior, or will have a subsequent movement by water carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph, on the one hand, and, on the other, those points in Newark and Elizabeth, N.J., identified as follows: All points in that area within the corporate limits of the cities of Newark and Elizabeth, N.J., west of Newark Bay and bounded on the south by the Main Line of the Penn Central Transportation Co., and on the north by the property line of the Penn Central Transportation Co.; and

(3) Transportation which is performed in respect of a shipment by rail carrier, and which is performed wholly between points named in subparagraph (1) of this paragraph, on the one hand, and, on the other,

(i) Those portions of Kearny, N.J., within an area bounded on the north by the Main Line of the Jersey City Branch of the Penn Central Transportation Co., on the south and east by Fish House Road and Pennsylvania Avenue, and on the west by the property line of the Penn Central Transportation Co. Truck Train Terminal,

(ii) (a) That portion of Newark, N.J., within an area bounded on the north by South Street and Delancey Street, on the east by Doremus Avenue, on the south by the freight right-of-way of the Penn Central Transportation Co. (Waverly Yard, Newark, N.J., to Greenville Piers, Jersey City, N.J., line), and on the west by the Penn Central Transportation Co.'s Hunter Street produce yard, and

(b) That portion of Newark, N.J., within an area bounded on the north by Pioneer Street, on the east by Broad Street, on the south by the passenger right-of-way of the Penn Central Transportation Co.'s Main Line, and on the west by Frelinghuysen Avenue, and

(iii) Port Reading, N.J., within an area bounded on the east by the Arthur Kill, on the south by the right-of-way of the Reading Co., on the west by Cliff Road, and on the north by Woodbridge Carteret Road.

(49 Stat. 543, as amended; 544, amended 546, as amended, 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on the 6th day of November 1970, and shall continue in

effect until the further order of the Commission.

It is further ordered, That the petition, except to the extent granted herein, be, and it is hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board Number 3.

[SEAL] ROBERT L. OSWALD,  
Acting Secretary.

[F.R. Doc. 70-14171; Filed, Oct. 20, 1970;  
8:49 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

#### National Wildlife Refuges in North Carolina and South Carolina

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

#### NORTH CAROLINA

##### MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, N.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres, is delineated on a map available at the refuge headquarters, New Holland, N.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Each hunter is limited to 25 shells per day.

(2) Air-thrust boats are prohibited.

#### SOUTH CAROLINA

##### SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, Lake Moultrie Unit, S.C. is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 29,500 acres, is delineated on a map available at refuge headquarters, Summerton, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta,