

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-28]

DRAWBRIDGE OPERATION REGULATIONS

Notice of Proposed Rule Making

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g) (2) of the Department of Transportation Act (49 U.S.C. 1655(g) (2) and 49 CFR 1.4 (a) (3) (v) is considering a request by the Livingston Shipbuilding Co. to provide special operation regulations for its pontoon bridge across the Sabine River (Old Channel) behind Orange Harbor Island at Orange, Tex.

2. Accordingly, it is proposed to amend § 117.245(j) to add subparagraph (26-a) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

(26-a) Sabine River (Old Channel) behind Orange Harbor Island, Orange, Tex. The draw shall be opened promptly on signal from 7 a.m. to 12 Midnight Monday through Friday, except holidays. At all other times, including legal holidays, 8 hours' advance notice is required.

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3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before March 30, 1970. All submissions should be made in writing to the Commandant, 8th Coast Guard District, Customhouse, New Orleans, La. 70130.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended; the reason for any recommended change, and the name, address, and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by in-

terested persons at the office of the Commander, 8th Coast Guard District, Customhouse, New Orleans, La. 70130.

6. After the time set for the submission of comments by the interested parties, the Commander, 8th Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: March 16, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-3491; Filed, Mar. 23, 1970;
8:47 a.m.]

[46 CFR Part 69]

[CGFR 70-14A]

MEASUREMENT OF VESSELS

Extension of Time

1. The FEDERAL REGISTER of February 28, 1970 (35 F.R. 3916) contained a notice of proposed rule making and a public hearing to be held on March 30, 1970, at the Departmental Auditorium, Washington, D.C., by the Merchant Marine Council on Items PH 1-70 to PH 12-70, inclusive, of the Merchant Marine Council Agenda (CG-249), dated March 30, 1970. This notice requires the submission of written data, views, arguments, or comments regarding these Items by March 27, 1970, or at the public hearing to be held on March 30, 1970.

2. Item PH 9-70 of the stated Agenda is entitled "Measurement of Vessels—Limitation of Deep Floors, Frames, Double Bottoms, and Side Frames." Several communications have been received from interested persons stating that the time afforded by the notice is inadequate to permit a detailed study of the proposals contained in this item.

3. Accordingly, the time to submit written data, views, arguments, or comments regarding Item 9-70 of the Merchant Marine Council Agenda (CG-249), dated March 30, 1970, is extended to and including September 1, 1970. However, all other terms of the notice published in the FEDERAL REGISTER of February 28, 1970 (35 F.R. 3916) remain unchanged and oral data, views, arguments, or comments on Item PH 9-70 and the other items on the Agenda will be heard, as scheduled, at the public hearing to be held on March 30, 1970.

Dated: March 20, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-3572; Filed, Mar. 23, 1970;
8:49 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-5]

CONTROL ZONES

Proposed Designation and Alteration

Correction

In F.R. Doc. 70-2132 appearing on page 3235 in the issue for Friday, February 20, 1970, the degree designation in the sixth line of the control zone description for the James Connally Airport, now reading "353", should read "358".

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 70-4; Docket No. OPS-3D]

MINIMUM FEDERAL SAFETY STANDARDS FOR GAS PIPELINES

Class Location Definitions

The Department of Transportation is developing proposals for the comprehensive minimum Federal safety standards for gas pipeline facilities and for the transportation of gas, as required by § 3(b) of the Natural Gas Pipeline Safety Act of 1968. This notice of proposed rule making is the fifth of a series of notices by which the proposed Federal safety standards will be issued for public comment.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before May 11, 1970, will be considered before taking final action on this notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposals contained in this notice may be changed in light of comment received.

The first notice in this series was published in the FEDERAL REGISTER on November 21, 1969 (Notice 69-3; 34 F.R. 18556). That notice discussed both the Department's plan for establishing the minimum Federal standards and the source materials to be used in developing proposals for these standards. It proposed, without stating specific regulatory language, several requirements for inclusion in the minimum Federal standards. It also stated that new and more specific definitions of class locations would be proposed for inclusion in the minimum Federal safety standards. This notice proposes these new definitions.

Population density indices and class location designations have been established as a method of providing higher safety standards for pipelines in more densely populated areas. The higher standards are necessary because a greater number of people in proximity to the pipeline substantially increases the probabilities of personal injury and property damage in the event of an accident. At the same time, the external stresses, the potential for damage from third parties, and other factors which contribute to accidents will also increase with the population. Consequently, the existing interim standards require a number of additional protective measures in areas with greater concentration of population.

The method of determining class location in these proposals differs significantly from the method contained in the present requirements. One major difference involves the population density indices. The 10-mile index was established at a time when class location had to be considered only during initial construction. It encouraged the evaluation of pipelines outside of populated areas so the operators would make provision for future population increases. Since that time, however, new requirements have been established and will be carried forward into the minimum Federal standards to require upgrading of pipelines whenever there is a change in class location. These new requirements eliminate the need for a 10-mile density index. Since the 10-mile density index is not necessary, the present two step process for determining class location can be reduced to one step by making the class location relate directly to the population density.

A second major difference is the reduction of the zone used to determine population density. Present standards call for the population density to be taken in a zone that is 1/2-mile wide, extending one-quarter of a mile on either side of the pipeline. However, a recent study that included hundreds of miles of pipeline right-of-way areas indicated that a zone of this width is not necessary to reflect the environment of the pipeline. A 1/4-mile wide zone extending one-eighth of a mile on either side of the pipeline appears to be equally appropriate for this purpose. It would be an unusual instance in which a population change more than one-eighth of a mile away would have an impact on the pipeline. Conversely, an accident on the pipeline would rarely have an effect on people or buildings that were more than an eighth of a mile away. For these reasons, it appears that the density zone can be reduced from one-half to one-quarter of a mile without any adverse effect on safety.

The determination as to which class location definition applies at a particular point on the pipeline would be accomplished by use of a "sliding mile". The sliding mile is moved along the pipeline overlying the continuous 1/4-mile-wide zone. The number of buildings within this sliding mile at any point during the movement determines the class location

for the entire mile of pipeline within the sliding mile. Whenever there is a change in class location which will cause an apparent overlapping of class locations, the higher numbered class location would be applicable.

The reduction in size of the zone and the more specific definitions have resulted in other changes with respect to each class location as discussed below.

Class 1 locations. Since the zone used to determine class location would be only one-half the previous size, the density count has been reduced commensurately. A Class 1 location would be an area with 10 or fewer buildings per mile.

Class 2 locations. The minimum number of buildings for a Class 2 location has also been reduced and a new specific upper limit of 45 buildings per mile has been established. After surveying several thousand miles of existing pipeline, it appears that this number most closely reflects the present practice in differentiating between Class 2 and 3 locations.

Class 3 locations. Areas with densities of more than 45 buildings per mile but where four-story buildings are not prevalent would be Class 3 locations. In addition, a substantive change would be made. A point on the pipeline that would normally fall within a Class 1 or Class 2 location on a density basis, would also be in a Class 3 location if it lies within 300 feet of a building that during normal use would be occupied by 20 or more persons, or within 300 feet of a well-defined outside area meeting this same criteria.

Class 4 locations. Areas in which buildings of four or more stories above ground are prevalent and which have heavy traffic and many underground utilities would be Class 4 locations. The primary reasons for lower stress level operation in these areas are the unusual external stresses and greater possibilities for damage by external force that exist there. The deep excavation necessary for taller buildings, the heavier traffic that usually exists, and the frequency of other underground utilities that require digging for installation and maintenance, all combine to create a situation in which heavier pipe and other protective measures are necessary.

The class location definitions will determine to a very significant degree the effect of a number of other provisions of these standards, particularly those governing pipe design, cover, welding, and testing. Consequently, these definitions should not be commented on until each notice of this series that relates to a commenter's particular area of interest has been published and the overall effect can be fully evaluated. In this regard, there are two provisions that will appear in subsequent proposals and should be noted here. One is the exemption from the requirement of a full mile of low stress level pipe if, somewhere in the mile segment, there is a physical barrier which will block further expansion of a populated area. This exemption is related to pipe design and will be included as an exemption from certain of the design requirements. Placing this exception in the class location definitions

would cause reductions in a number of other requirements, some of which might not be appropriate under the circumstances. The second provision with respect to class location that warrants special attention is a new requirement that will be included with the testing requirements in Subpart J. This would require that any section of pipeline in a Class 1 location passing within 300 feet of a building intended for human occupancy must be hydrostatically tested to 1.25 times the maximum allowable operating pressure.

Inasmuch as these new class location definitions are more specific and are determined in a different manner than those presently in use, the possibility exists that some temporary problems may arise when the new standards go into effect. As stated in an earlier notice, the Department intends to make the minimum Federal standards effective on 30 days notice in accordance with section 3(c) of the Natural Gas Pipeline Safety Act, unless it is shown that good cause exists for providing additional time. Therefore, in commenting on these new class location definitions, interested persons should consider whether or not 30 days notice will be sufficient for situations where a pipeline will have to be upgraded to a higher class location under the new definitions or where new and heavier wall pipe must be ordered for a pipeline that is planned or is under construction. Comments on these and other similar situations will be carefully considered in determining an effective date for the standards.

In consideration of the foregoing, the Department proposes to amend Title 49 of the Code of Federal Regulations by adding a new Part 192 to contain § 192.5 as set forth below.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1671 et seq.), Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on March 17, 1970.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

§ 192.5 Class locations.

(a) Class location is determined by applying the criteria set forth in this section to a continuous 1/4-mile-wide zone that extends one-eighth of a mile on either side of the pipeline along its entire length. A sliding mile is moved along the pipeline overlying the continuous 1/4-mile-wide zone. Except as provided in paragraph (d) (2) of this section, the buildings within this sliding mile at any time during the movement determines the class location for the entire mile of pipeline within the sliding mile.

(b) A Class 1 location is any continuous 1-mile segment of the 1/4-mile-wide

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zone that has 10 or less buildings intended for human occupancy.

(c) A Class 2 location is any continuous 1-mile segment of the $\frac{1}{4}$ -mile-wide zone that has more than 10 but less than 46 buildings intended for human occupancy.

(d) A Class 3 location is—

(1) Any continuous 1-mile segment of the $\frac{1}{4}$ -mile-wide zone that has 46 or more buildings intended for human occupancy; or

(2) An area where any of the following lies within 300 feet of the pipeline:

(i) A building that is occupied by 20 or more persons during normal use.

(ii) A small, well-defined outside area that is occupied by 20 or more persons during normal use, such as a playground, recreation area, outdoor theater, or other place of public assembly.

(e) A Class 4 location is any continuous 1-mile segment of the $\frac{1}{4}$ -mile-wide zone where buildings with four or more stories above ground are prevalent, traffic is heavy, and there are many other utilities installed underground.

[F.R. Doc. 70-3485; Filed, Mar. 23, 1970;
8:47 a.m.]