

required for the safe operation of LPG pipelines. (P-79-9.)

Include in proposed regulation a section similar to the emergency plan section of the natural gas code (49 CFR 192.615) that will require operators to provide information to persons who live or work within 220 yards of a propane pipeline, and up to 1 mile if located downhill of an LPG pipeline, about the particular hazards of LPG and how to contact emergency personnel. (P-78-10.)

As a result of earlier accident investigations, several involving liquefied petroleum gas, NTSB made similar recommendations regarding the timeliness or appropriateness of actions taken during operations and emergencies.

72-P-3 Require pipeline companies to formally notify appropriate State and local civil agencies of the route of the pipelines, the type of material they carry, and lines of communication in an emergency.

P-73-30 Amend 49 CFR 195.408, Communications, to describe more fully the type of information required for the safe operation of pipelines and the conditions under which this information should be transmitted remotely.

P-73-49 Establish an educational program to enable customers and the general public to recognize and report LPG leaks to appropriate officials.

P-74-53 Require liquid petroleum pipeline operators to establish liaison with appropriate public officials, including fire and police, to better inform them of the characteristics and hazards of liquid petroleum and related products. These regulations should include anhydrous ammonia.

P-74-54 Establish written procedures requiring dispatchers to perform detailed monitoring of all points on a pipeline system during startup until conditions have stabilized.

P-74-56 Evaluate training and inspection procedures under 49 CFR 195.402 to increase the probability that damage to pipelines is prevented or detected and reported.

P-74-58 Require a review of pipeline systems to institute a systematic and authoritative approach to understanding and controlling hazards.

A study, DOT/OPS-75/06, "Transportation of Highly Volatile, Toxic, or Corrosive Liquids by Pipeline," done for MTB by Battelle Columbus Laboratories resulted in several other recommendations relating to the need for timely or appropriate actions in operating or emergency situations. Copies of this study are available from the National Technical Information Service, Springfield, Va. 22161, as NTIS No. PB253218 at \$10.50 for paper and \$3 for microfiche. Recommendations from the Battelle Report are:

OP-1 Compile a list of people, departments, agencies, companies, etc., that need to know the particulars of the location of the pipeline, products carried, potential hazards, etc., in the event of a leak or rupture. Make appropriate contacts and notification.

OP-2 and 3 Consider an industry-wide approach to in-house safety programs with participation of as many as possible pipeline

operators, LPG and NH₃, contractors, public officials, police, and fire departments.

OP-6 Written procedures should identify considerations in reaching a go, no-go decision on intentional ignition of escaped LPG to prevent its migration to other areas.

OP-8 and 9 Specify and equip emergency vehicles with safety instrumentation and equipment needed at the scene of a failure, giving consideration to the products being transported.

M-1 and 2 Every pipeline operator that transports LPG and NH₃ must have written corrective and preventive maintenance procedures and records for the pipeline controls systems and mechanical components of the pipeline.

A copy of the NTSB reports that resulted in the above recommendations and the Battelle report are available to the public in the Docket for this proposal.

In reviewing the problems of carriers' failing to take timely or appropriate actions, it became apparent that more than just better procedures, training, and educational programs would be needed to minimize the likelihood and effects of pipeline failures. For example, in the Ruff Creek situation, NTSB pointed out that if the pipeline had had closer spaced valves that were remotely operable, and check valves to hold back downhill flows, the failed section could have been isolated faster and less liquid would have been released. Although such special design features are not required by Part 195, MTB decided not to consider proposing them as part of this proceeding so that commenters might focus their attention on the procedural and informational issues. MTB expects to issue separate notices of proposed rulemaking on other safety problems concerning pipelines carrying LPG and other highly volatile liquids later this year.

In addition to considering the need for new design requirements, MTB has considered one other feasible approach to obtaining more timely and appropriate actions by carriers during operations and emergencies. This approach would involve conducting training seminars for liquid pipeline carriers similar to those now being conducted for natural gas operators. These seminars could provide a face to face dialogue to explain the requirements of Part 195, including the requirements which relate to operating, maintenance, and emergency procedures. Such a dialogue could result in cooperation between individual carriers in finding solutions for industry-wide safety problems as recommended by Battelle (OP-2 and 3).

However, since attendance by the necessary persons cannot be assured and such seminars are advisory and lack the enforceability of regulations, this alternative was not adopted. Still, seminars are considered as a desirable

supplement to the regulatory action being proposed.

As stated above, one objective of this rulemaking proposal is to clarify and delineate the present requirements of § 195.402(a). This section requires each carrier to establish and maintain current written procedures to insure the safe operation and maintenance of its pipeline system in accordance with part 195 during normal operations and maintenance, and during abnormal operations and emergencies. However, § 195.402(a) does not specify what particulars the procedures should cover. This notice proposes adoption of certain particulars under a new § 195.402, and the other requirements of the existing § 195.402 in paragraphs (b), (c), and (d) would be redesignated as paragraphs (a), (b), and (c), respectively, of a new § 195.401.

Because of many variables, it is not possible to prescribe a detailed set of regulations for operations and maintenance that will encompass all cases. It is possible, however, for each carrier to develop operating and maintenance procedures, as proposed, that will provide an adequate level of safety.

In the proposed new § 195.402, paragraph (a), General, would contain the same requirements as the existing § 195.402(a). In addition, paragraph (a) would require that each carrier's procedures be in the form of a manual and be filed (one copy) with MTB (by the effective date of the amendment). Changes to the procedures would have to be filed within 15 days following the date a change is made. The purpose of the proposed manual and filing requirements is to facilitate MTB's review of carriers' procedures. This review now is done onsite as part of periodic inspections by MTB field investigators. MTB is not proposing by this filing requirement that carriers must obtain MTB's approval of their procedures before they go into effect.

Paragraph (b), Amendments, would establish criteria for MTB's review of carriers' procedures and a process for making needed corrections or refiling adequate procedures.

Proposed paragraph (c), Normal operation and maintenance, sets forth the minimum particulars that procedures for handling normal operations and maintenance must cover. Under paragraph (c), among other things, the procedures must provide for: (1) Making appropriate pipeline construction and maintenance history records needed for safe operation and maintenance available for ready reference by operating and maintenance personnel, (2) complying with the other operating and maintenance requirements of subpart F, (3) reviewing each pipeline and its operation to identify and minimize the detrimental effects of potential hazards, (4) investigating and ana-

in the Commission's offices in Washington, D.C.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 83 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. In § 83.104, paragraph (a)(1) is amended to read as follows:

§ 83.104 Operating controls.

(a) * * *

(1) Starting and discontinuing operation of the station and, in the case of stations operating in the 156 to 162 MHz band, reducing power output to 1 watt or less in accordance with § 83.134;¹

* * * * *

2. In § 83.134, paragraph (f) is amended by the addition of a footnote to read as follows:

§ 83.134 Transmitter power.

* * * * *

(f) Ship station transmitters using F3 emission in the band 156-162 MHz shall not exceed a carrier power of 25 watts^{2 3 4} and, additionally, shall include the capability to reduce, readily, the carrier power to 1 watt^{2 4 5} or less.

* * * * *

[FR DOC. 78-22288 Filed 8-9-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 195]

[Docket No. PS-51; Notice 11]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Procedures for Operation, Maintenance, and Emergencies

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Notice of proposed rulemaking.

SUMMARY: Failure analyses, accident investigations, and recommendations of the National Transportation Safety Board (NTSB) indicate that in many cases pipeline carriers of hazardous liquids have not followed proper procedures for handling normal oper-

ations and maintenance, abnormal operations, and emergencies. This notice proposes to establish the essentials that the procedures must cover, as well as requirements for communications, training of personnel, and educating the public about the hazards involved, with emphasis on highly volatile commodities like liquefied petroleum gas (LPG).

DATE: Comments must be received by October 6, 1978. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Branch, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590. Comments are available at MTB's docket room 6500.

FOR FURTHER INFORMATION CONTACT:

Peggy Hammond, 202-426-0135.

SUPPLEMENTARY INFORMATION: MTB has found that in repeated instances interstate carriers of hazardous liquids have not taken timely or appropriate actions in carrying out normal operating and maintenance activities and in responding to abnormal and emergency situations. Such performance can contribute either to the occurrence of failures or to the resultant damage from failures, or both. The lack of timely or appropriate action contributed to the increased casualty rate resulting from accidents involving LPG and other highly volatile liquids compared with pipelines transporting other liquid commodities.

Carriers who have established adequate procedures and implemented them with appropriate training of personnel and inspection to verify compliance have safety records that show that this approach is effective in maintaining a level of safety that minimizes the potential for hazardous incidents. For this reason, this Notice proposes to clarify and delineate the existing requirement under § 195.402 that a carrier establish and follow procedures for normal operations, abnormal operations, and emergencies. In addition to new procedural requirements, this Notice proposes provisions relating to the type of information which must be communicated as required by § 195.408 to assure safe operations. Also, new requirements would be established governing the training of carrier personnel and educating both public agencies and the general public about the hazards of liquids being transported, with emphasis on highly volatile liquids.

An incident that occurred in Ruff Creek, Pa., on July 20, 1977, illustrates the serious hazards presented by accidents involving LPG and the need for this proposal. According to a report on

the incident issued January 12, 1978, by the National Transportation Safety Board (NTSB) (NTSB PAR-78-10), a 12-inch propane pipeline ruptured at 4:30 a.m., filling a nearby stream valley with gas. The sudden drop in pressure was detected at the propane carrier's control board, but an investigation by personnel did not include steps to check on a line break (such as an evaluation of pressure along the line) and, the problem was viewed as a faulty pump. At 6:05 a.m., the escaped propane was ignited by a passing pickup truck, burning an area 300 feet by 4,000 feet along the stream. Volunteer firemen first tried to put out the fire with foam, but upon the advice of a gas company employee who had been called by police and was knowledgeable about hazardous materials, the fire was allowed to burn as a safety measure.

An employee of another gas company also verified that a propane pipeline and not a natural gas pipeline was involved, and, at 7:10 a.m., he notified the propane carrier of the accident. The carrier asked the gas company's employees to shut the mainline valves. The valves were closed by 8:30 a.m., 10 minutes before arrival of the carrier's crew.

About an hour later the carrier realized, that as a result of prior maintenance work in the area, stopple fittings had been installed close to the point of rupture. At 2:45 p.m. stopple equipment arrived and by 7:20 p.m. it was installed. Then the fire began to subside. It went out at 8:30 p.m., 16 hours after the rupture. As a result of the accident, two persons were killed; and 57 head of cattle and other property were destroyed.

NTSB found that the probable cause of the Ruff Creek accident was stress-corrosion cracking in an area of earth subsidence. However, factors found contributing to the damage were the carrier's lack of provisions to detect the failure in a timely manner and to isolate the failed section.

In furtherance of these findings, NTSB noted in its report that the carrier's handling of the emergency situation was not adequate, and there was no evidence to indicate that personnel were trained or could tell the difference between pressure drops due to breaks and pump malfunctions. Also, NTSB suggested that time could have been saved had there been communication of pressure and flow data from pumping stations to the central control board and subsequent communications of the malfunction to field supervisors. NTSB concluded its report by recommending that MTB:

Expedite the publishing of the notice of proposed rulemaking on regulations for the safe transportation of pipelines of liquefied petroleum gas (LPG). Include a comprehensive section on the communications

¹Stations installed before _____, need not have the capability to reduce transmitter output power to 1 watt or less at each control point.

²If a remote control unit is used with a transmitter manufactured after _____, the remote control unit shall have the capability of reducing transmitter output power to 1 watt or less.

lyzing each accident to determine cause and prevent recurrences, (5) minimizing the potential for personnel error and equipment failure during pipeline startup and shutdown, and (6) monitoring operational data to assist in detecting an abnormal condition.

Paragraph (d), Abnormal operations, would establish minimum particulars that must be included in procedures for responding to abnormal operating conditions for the purpose of preventing them from becoming emergencies. Also, requirements would be established for periodically reviewing the responses of personnel to abnormal situations to make the applicable procedures more appropriate if needed. MTB anticipates that most carriers would have to significantly revise their procedures and programs for training of personnel to make this proposal effective.

Paragraph (e), Emergency plans, would require carriers to establish pre-planned, written procedures to follow in responding to emergencies. These procedures would minimize the effects of the hazards involved. As proposed, they would provide for receiving reports of, identifying, classifying, and responding to, each emergency. An important procedure would provide for an after-the-fact review of each emergency to detect any deficiencies in the procedures and improve them where indicated. Most carriers have procedures for emergencies, and only minor modifications should be needed to comply with this proposal.

Under proposed new § 195.403, Training, requirements would be established for training appropriate carrier personnel to assure that they are knowledgeable of and can carry out the procedures prepared under the proposed § 195.402, with emphasis on highly volatile liquid pipeline systems.

Procedures are not fully effective until personnel responsible for executing those procedures know and follow them. For example, in some cases, personnel have not followed procedures during actual emergencies and in other cases have not been aware that emergency procedures existed. Training is therefore an absolutely necessary part of making procedures effective. Under the proposed § 195.403, responsible personnel must be explicitly instructed in each procedure as it applies to the pipeline facility concerned. A proposed requirement for use of simulated emergency situations on the actual facility, where feasible, to develop fire fighting and related skills needed to minimize a hazard is intended to enhance the effectiveness of personnel training.

A proposed amendment to § 195.408, communications, is intended to clarify the nature of the communication system now required by stating the

kinds of communication it must handle, especially in abnormal operating conditions and emergencies.

The communication system needed to comply with this proposed amendment would include, as a minimum: (1) A means of transmitting operating data to attended locations. (2) Telephone with properly published numbers to enable the public and carrier personnel to report any incidents they discover, (3) Two-way radios for use between a control center and crews at the scene of any incident, and (4) Telephones, radios, and messengers available for use in communicating with fire, police, and other appropriate public officials during an emergency.

Most carriers are now equipped to do this, but some may need additional communication equipment and personnel to comply with this proposed requirement.

Finally, under the proposed new § 195.440, public education, requirements would be established for each carrier of highly volatile liquids to inform members of the public, who could be affected by a pipeline failure or who are likely to be engaged in activities that could endanger the pipeline's integrity, of the potential hazards involved in the event of a pipeline failure.

Some effective public education programs have used the various news and advertising media including television, radio, newspapers, mailings, and community meetings to inform those persons living along the pipeline route of the need for pipeline safety.

In addition, MTB proposes that a definition of the term "highly volatile liquid" be adopted under § 195.2, definitions. This new term would include commodities such as liquefied petroleum gas, ammonia, and other liquefied gases covered by part 195. (for example, see § 195.50(c).) The proposed definition of a highly volatile liquid (HVL) is "any liquid which has a vapor pressure of 10 kPa (14.5 psia) or more at 37.8° C (100° F)." This proposed definition is intended to describe those commodities that would form a vapor cloud in the event of a spill. A pressure of 10 kPa (14.5 psia) was selected as representative of atmospheric pressure. The temperature of 37.8° C (100° F) was selected as representative of the highest commodity temperature and ambient temperature normally encountered along a pipeline. Further, vapor pressures of commodities at 37.8° C (100° F) are commonly published in engineering literature. If this definition is adopted, MTB intends in the final rule to delete existing references to "liquefied petroleum gas" and "liquefied gas" in part 195 and substitute the new term "highly volatile liquid." Specific comments on this definition are requested.

In consideration of the foregoing, MTB proposes that part 195 of Title 49 of the Code of Federal Regulations be amended as follows:

1. By adding a new definition to § 195.2 as follows:

§ 195.2 Definitions.

• • • • •
"Highly volatile liquid" or "HVL" means a liquid which has an absolute vapor pressure of 10 kPa (14.5 psia) or more at 37.8° C (100° F).
• • • • •

195.401 [Redesignated from § 195.402 and amended]

2. By redesignating § 195.402 as § 195.401 and by deleting paragraph (a) and redesignating paragraphs (b), (c), and (d) as paragraphs (a), (b), and (c) respectively.

3. By adding a new § 195.402 to read as follows:

§ 195.402 Procedural manual for operation, maintenance, and emergencies.

(a) *General.* Each carrier shall prepare, follow, and maintain a manual of current written procedures meeting the requirements of this section for each pipeline system to assure the safe operation of the system during normal operation and maintenance, and abnormal operations and to minimize the hazards resulting from an emergency involving the system. A copy of the procedural manual must be filed with the Secretary by (effective date) or before a carrier begins initial operation. Each change to the procedural manual must be filed within 15 days after the change is made. Each manual or change to a manual becomes effective without approval of the Secretary.

(b) *Amendments.* If the Secretary finds that a carrier's procedures are inadequate to achieve safe operation or to minimize hazards in an emergency, the Secretary may, after issuing a notice of amendment and providing an opportunity for an informal hearing, require the carrier to amend the procedures. In determining the adequacy of procedures, the Secretary considers pipeline safety data, the feasibility of the procedures, and whether the procedures are appropriate for the pipeline system involved. Each notice of amendment allows the carrier at least 30 days to submit written comments or request an informal hearing. After considering all material presented, the Secretary notifies the carrier of the required amendment or withdraws the notice proposing the amendment.

(c) *Normal operations and maintenance.* The manual required by paragraph (a) of this section must include

procedures for the following to provide safety during normal operations and maintenance:

(1) Making construction records, maps, and operating history available as necessary for safe operation and maintenance.

(2) Gathering of data needed for reporting accidents under subpart B of this part in a timely and effective manner.

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart.

(4) Determining on the basis of design, construction, leak history, and other relevant data, which pipeline facilities, operating conditions, installation techniques and maintenance methods would cause hazards to the safety of the public or system integrity in the event of a malfunction or failure.

(5) Analyzing pipeline accidents to determine their causes (in cooperation with the Secretary when appropriate).

(6) Minimizing the potential for hazards identified under paragraph (c)(4) of this section and the possibility of recurrence of accidents analyzed under paragraph (c)(5) of this section.

(7) Starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406, considering the commodity in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices.

(8) Continuously monitoring from an attended location, pipeline pressure during startup until steady state pressure and flow conditions are reached and during shut-in to assure operation within the limits prescribed by § 195.406.

(9) Detecting abnormal operating conditions at points of shipment and delivery of the commodity and at facilities identified under paragraph (c)(4) of this section by monitoring pressure, temperature, flow, or other appropriate operational data and transmitting this data to an attended location.

(10) Abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards.

(11) Minimizing the likelihood of accidental ignition of vapors in areas near facilities identified under paragraph (c)(4) of this section where the potential exists for the presence of flammable liquids or gases.

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may re-

spond to a liquid pipeline emergency and acquaint the officials with the carrier's ability in responding to a liquid pipeline emergency and means of communication.

(13) Periodically reviewing the work done by carrier personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

(14) Any other items reasonably considered necessary for the safe operation and maintenance of the system.

(d) *Abnormal operation.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an abnormal operating conditions occurs:

(1) Responding to, investigating, and correcting the cause of:

(i) Unintended closure of valves or shutdowns;

(ii) Increase or decrease in pressure or flow rate outside normal operating limits;

(iii) Loss of communications;

(iv) Operation of any safety device; and

(v) Any other malfunction of a component, deviation from normal operation, or personnel error which could cause a hazard to persons or property.

(2) Checking variations from normal operation after abnormal operation has ended, including pressure and flow rates at outlet and inlet facilities and at sufficient critical locations in the system to determine continued integrity and safe operation.

(3) Correcting variations from normal operation of pressure and flow equipment and controls.

(4) Notifying responsible carrier personnel when notice of an abnormal operation is received.

(5) Periodically reviewing the response of carrier personnel to determine the effectiveness of the procedures in controlling abnormal operation and taking corrective action where deficiencies are found.

(e) *Emergencies.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:

(1) Receiving, identifying, and classifying notices of events which need immediate response by the carrier or notice to fire, police or other appropriate public officials and communicating this information to appropriate carrier personnel for corrective action.

(2) Prompt and effective response to a notice of each type emergency, including fire or explosion occurring near or directly involving a pipeline facility, release of commodity from a pipeline facility, operational failure causing a hazardous condition, and natural disaster affecting pipeline facilities.

(3) Having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency.

(4) Taking necessary action, such as emergency shutdown, or pressure reduction, to minimize the volume of hazardous material that is released from any section of a pipeline system in the event of a failure.

(5) Control of released commodity at an accident scene to minimize the hazard, including possible intentional ignition in the case of flammable HVL.

(6) Minimization of public exposure to injury and probability of accidental ignition by evacuating residents and halting traffic on roads and railroads in the affected area, or taking other appropriate action.

(7) Notifying fire, police, and other appropriate public officials of liquid pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid.

(8) In the case of failure of a pipeline system transporting a highly volatile liquid, use of appropriate instruments to assess the extent and coverage of the vapor cloud and determine the hazardous areas.

(9) Providing for a post accident review of employee activities to determine whether the procedures were effective in each emergency and taking corrective action where deficiencies are found.

3. By adding a new § 195.403 to read as follows:

§ 195.403 Training.

(a) Each carrier shall establish and conduct a continuing training program to instruct operating and maintenance personnel to:

(1) Carry out the operating and maintenance, and emergency procedures established under § 195.402 that relate to their assignments;

(2) Know the characteristics and hazards of the commodities transported, including, in the case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions;

(3) Recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and commodity spills, and to take appropriate corrective action;

(4) Take steps necessary to control any accidental release of commodity and to minimize the potential for fire, explosion, toxicity, or environmental damage;

(5) Learn the proper use of fire fighting procedures and equipment, fire suits, and breathing apparatus by

utilizing, where feasible, a simulated pipeline emergency condition; and

(6) In the case of maintenance personnel, to safely repair facilities using appropriate special precautions, such as isolation and purging, when highly volatile liquids are involved.

(b) At intervals of not more than 6 months each carrier shall:

(1) Review with personnel their performance in meeting the objectives of the training program set forth in paragraph (a) of this section; and

(2) Make appropriate changes to the training program as necessary to insure that it is effective.

(c) Each carrier shall require and verify that its personnel supervisors maintain a thorough knowledge of that portion of the procedures established under §195.402 for which they are responsible to insure compliance.

4. By revising § 195.408 to read as follows:

§ 195.408 Communications.

(a) Each carrier must have a communication system to provide for the transmission of information needed for the safe operation of its pipeline system.

(b) The communication system required by paragraph (a) of this section must, as a minimum, include means for—

(1) Monitoring operational data as required by § 195.402(c)(9);

(2) Receiving notices from carrier personnel, the public, and public authorities of abnormal or emergency conditions and sending this information to appropriate personnel or government agencies for corrective action;

(3) Conducting two-way vocal communication between a control center and the scene of abnormal operations and emergencies; and

(4) Insuring communication with fire, police, and other appropriate public officials during emergency conditions, including a natural disaster.

5. By adding a new § 195.440 to read as follows:

§ 195.440 Public education.

Each carrier shall establish a continuing educational program to enable the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a liquid pipeline emergency and to report it to the carrier or the fire, police, or other appropriate public officials. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking population in the carrier's operating area. In the case of a highly volatile liquid pipeline, the program must as a minimum provide information to persons who live or work within 220 yards of the pipeline, and within 1 mile if located downhill from the pipeline, about the particular hazards of the commodity.

(18 U.S.C. 831-835, 49 U.S.C. 1655, 49 CFR 1.53(b), App. A of Part I, and paragraph (b)(1) of App. A to Part 102.)

Issued in Washington, D.C., on August 3, 1978.

CESAR DE LEON,
Acting Director, Office of
Pipeline Safety Operations.

[FR Doc. 78-21962 Filed 8-9-78; 8:45 am]

[4910-59]

**National Highway Traffic Safety
Administration**

[49 CFR Part 537]

[Docket No. FE 77-03; Notice 3]

AUTOMOTIVE FUEL ECONOMY REPORTS

**Schedule for Response to Petition for
Reconsideration**

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Schedule for response to petition for reconsideration.

SUMMARY: This notice is being issued to announce the schedule for response to a petition by General Motors Corp. (GM) for reconsideration of part 537, Automotive Fuel Economy Reports. GM objected to the procedures set forth in that rule with respect to the release of confidential information. NHTSA policy provides that petitions for reconsideration are normally answered within 90 days. Where a substantial delay beyond that period is likely to occur, the agency publishes notice of that fact. Due to the similar nature of the issues raised in the petition and in an interim rule regarding confidential information, the agency will respond to the petition when the final rule on confidential information is issued.

**FOR FURTHER INFORMATION
CONTACT:**

Steve Kratzke, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2922.

SUPPLEMENTARY INFORMATION: The NHTSA published a final rule specifying the format and content requirements for the semiannual fuel economy reports to be submitted to

the NHTSA by each automobile manufacturer (42 FR 62374, December 12, 1977). Section 537.12(c) of that rule reads as follows:

(c) *Release of confidential information.* After giving written notice to a manufacturer and allowing 10 days, when feasible, for the manufacturer to respond, the Administrator may make available for public inspection any information submitted under this part that is relevant to a proceeding under the act, including information that was granted confidential treatment by the Administrator pursuant to a request by the manufacturer under §537.5(c)(7).

GM filed a petition for reconsideration of the language in §537.12(c) on January 11, 1978. GM stated its opinion that the phrase "when feasible" would permit the NHTSA to release confidential information relevant to the administrative or judicial proceeding under title V of the Motor Vehicle Information and Cost Savings Act, as amended (the act), less than 10 days after the agency's written notice of denial of a manufacturer's claim of confidentiality. GM said that it is unreasonable to assume that a manufacturer desiring to take judicial action to prevent disclosure could prepare and file the necessary pleadings in court in less than 10 days.

The NHTSA has published a proposed rule setting forth the procedures which would be followed with respect to all confidential information received by this agency (43 FR 22412, May 25, 1978). The proposed procedure regarding release of confidential information is consistent with the reporting rule provision to which GM objected.

The agency has decided to delay its response to the GM petition so that it can consider the petition at the same time it considers the comments on the confidentiality proposal. A response to the petition will be issued when the confidentiality final rule is issued. The date for that action is anticipated to be in the early fall.

NHTSA's policy for responding to petitions for reconsideration provides that a notice be published when the response will be substantially delayed beyond 90 days. The policy is set forth in 49 CFR 553.39. This notice is issued pursuant to that policy.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on August 3, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-22255 Filed 8-9-78; 8:45 am]