

Conclusion

16. The Commission finds that the attached amendments to the Rules and Regulations are necessary and proper for the best interest of the Maritime Service. Authority for adoption of these amendments is contained in Sections 4(j) and 303 of the Communications Act of 1934, as amended.

17. Accordingly, it is ordered, That effective March 3, 1981, Part 81 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix.

18. Furthermore, it is ordered, That this proceeding is terminated.

19. For further information concerning this rulemaking, contact Roy Carleton Howell, Rules Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-7175.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1032, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 81—Stations on Land in the Maritime Service and Alaska Public-Fixed Stations

1. Section 81.191(b) is revised to read as follows, and paragraph (c) (1) and (2) are removed, and (c)(3) is redesignated (c).

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(b)(1) As an alternative to keeping watch on (or monitoring) a working frequency in the band 1605-3500 kHz as prescribed by paragraph (a) of this section, a public coast station may in the discretion of the station licensee, keep watch on 2182 kHz.

(2) Except for messages of distress, urgency or vital navigational warnings coast stations shall not transmit on 2182 kHz during the silence periods x h:00 - x h:03 and x h:30 - x h:33 Greenwich mean time.

(3) Public coast stations licensed in the band 1605-3500 kHz which may hear distress calls shall observe whether the Coast Guard has established communications exchange and assist, or shall provide assistance for distress communications when requested by the Coast Guard.

* * * * *

2. Section 81.314(a) (4) and (5) are revised to read as follows:

§ 81.314 Station records.

(a) * * *

(4) With respect to public coast stations which, by reasons of the provisions of Subpart G of this part, are required to maintain a watch on the frequency 156.8 MHz, entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during the hours of service for calling, answering, and exchanging operating signals and safety communications on this frequency. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted on 156.8 MHz; the complete text, if possible of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Amdt. 192-37 and 195-21; Docket No. PS-65]

Transportation of Natural and Other Gas and Hazardous Liquids by Pipeline Incorporation by Reference

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends Department of Transportation

regulations which govern the transportation of natural and other gas and hazardous liquids by pipeline. The amendments update the existing references to industry prepared documents to later published editions of those documents. The amendments relieve the burden of having to comply with out-of-date documents and enhance safety by requiring compliance with the latest published editions.

EFFECTIVE DATE: This final rule will become effective March 4, 1981.

FOR FURTHER INFORMATION CONTACT: Ralph T. Simmons, 202-426-2392.

SUPPLEMENTARY INFORMATION: On March 4, 1980, MTB issued a Notice of Proposed Rulemaking (NPRM) (45 FR 16226; March 13, 1980) proposing to update the existing references in Parts 192 and 195 to industry prepared documents. The NPRM also proposed editorial modifications of several rules that incorporate by reference the industry documents. Interested persons were given until April 30, 1980, to comment on the proposed amendments.

Eighteen different persons submitted comments, primarily gas utility and gas transmission and liquid transmission companies and their trade associations, but also State and federal agencies and industry standard making bodies. In accordance with section 4 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1673), the Technical Pipeline Safety Standards Committee (TPSSC) met in Washington, D.C., on June 17-20, 1980, to review the technical feasibility, reasonableness, and practicability of the amendments proposed in the NPRM. A copy of the Committee's report is available in the docket, and may be obtained by writing to the Docket Branch, Materials Transportation Bureau, 400 7th Street, S.W., Washington, D.C. 20590. A discussion of any rejection of the views of the TPSSC is given below in the discussion of the sections of the final rules involved.

To incorporate materials by reference, MTB must comply with the requirements of the Office of the Federal Register. These requirements were set forth in a final rule published March 28, 1979, 44 FR 18630, and a correction published on April 2, 1979, 44 FR 19181.

The relevant parts of the Office of the Federal Register's requirements are that the Director of the Office of the Federal Register must approve each incorporation by reference and that the material incorporated by reference must be generally available to any person affected by the regulations that reference the material.

Industry documents which have been superseded by later published editions

are not generally available, and, therefore, do not meet the requirements of the Office of the Federal Register for incorporation by reference. For this reason, MTB has deleted from Appendixes A and B of Part 192 and from § 195.3 references to the earlier editions of documents, the current edition of which is now referenced in the final rule.

Five commenters from industry and industry associations stated that the superseded industry documents and editions of documents now out-of-print should continue to be listed in Parts 192 and 195. Their reasons were: (1) Delisting of specifications will cause the material manufactured to the deleted specification to be unqualified for use, and the mere discontinuation of a published standard does not mean that the material made to that standard is obsolete or unsafe. (2) Many documents are discontinued for procedural purposes only and to only allow reuse of material made to those documents upon the grant of a waiver is wasteful.

MTB's policy is to encourage industry's use of the latest technology, materials, and practices available. The updating of industry documents referenced in Parts 192 and 195 is in keeping with that policy. The keeping of industry documents referenced in Parts 192 and 195 as current as possible will permit industry to take advantage of the latest technical advances affecting their operations. It is not MTB's intent, by not continuing to list superseded editions of documents, to prohibit the future use of materials and components manufactured, designed, or installed in accordance with those superseded editions at the time they were listed as applicable editions under Parts 192 and 195. This point is made clear by new language added to §§ 192.7 and 195.3. Since MTB will no longer list in Parts 192 and 195 those editions of industry documents which have been superseded, to learn which superseded editions may still be used, a person must refer to the earlier editions of 49 CFR in which they were listed.

Discussion of Comments

In general, all commenters agreed with the purpose of the Notice of Proposed Rulemaking. Their reasons were that the updating of references is vitally necessary for the industry to take advantage of recent changes in manufacturing practices, technology, and materials and that the proposed changes are needed to enhance public safety by allowing the use of improved pipe, fittings, and construction techniques.

In response to MTB's statement in the NPRM that editions of documents with later publication dates than shown in the NPRM would be included in the final rule if found acceptable, five commenters furnished lists of industry documents which have later dates than the ones referenced in the NPRM. MTB has reviewed these and has incorporated them by reference in the final rule.

There was a mixed reaction to MTB's goal stated in the NPRM to replace references to industry documents with performance standards.

Ten commenters, of which eight were from industry and two from standards making bodies, supported the goal. They made the following statements: (1) Under a system of performance requirements, the operator is free to use development material, within the generalized performance constraints, based upon an evaluation of risk/benefit factors. (2) The referenced standards may contain inappropriate language, since many of them include optional or supplementary requirements for the purpose of providing flexibility. (3) The referenced standards may contain inadequacies or misleading requirements. (4) Referenced standards may stifle innovation and new development, since they reflect state-of-the-art technology. (5) General performance requirements for an entire class of equipment or procedures could encourage more rapid public safety improvement and expedite the utilization of modern technology.

Of the two commenters who did not support MTB's goal of performance standards, one was from industry and one was a State public service commission. Their statements were: (1) The industry is very much familiar with the industry standards and has been using them for years for procurement and operating purposes. (2) To specify performance requirements in lieu of referencing industry standards would be duplicative in nature, since the referenced standards are written in performance language. (3) The existing industry standards are well prepared, accepted by industry, and adequate. (4) MTB's ultimate goal of eliminating industry standards is not consistent with the policy of OMB (OMB Circular A-119). (5) The substitution of performance standards for existing referenced specifications puts an unnecessary and almost impossible burden on each of the fifty State regulatory agencies. (6) It is in the best interest of public safety and is also the most economical and efficient way of utilizing the various pipeline

safety efforts to regularly update the referenced specifications.

MTB does not agree with the arguments of the commenters opposed to the development of performance standards for pipelines. MTB believes that defining a level of performance in terms of integrity and reliability for pipeline facilities which is capable of being accomplished within economic and technical constraints, and in sufficient detail that all affected parties can understand what constitutes compliance will enhance the level of public safety and permit industry greater flexibility in the use of current technology. The argument regarding conflict with OMB Cir. A-119 is specious, since the policies announced in that circular relate only to Federal procurement and Federal participation on voluntary standards setting bodies. Also, MTB feels the enforcement challenge can be met by developing performance standards which are capable of objective measurement. MTB invites interested persons to submit for MTB's consideration any performance standards that meet these objectives.

Two commenters from industry, one from a State agency, and one from an industry association stated that MTB should establish a regular schedule for updating referenced industry documents to keep them current. MTB has established a yearly schedule of updating referenced documents to coincide with the annual republication of 49 CFR. To make such a schedule viable, MTB needs the cooperation of the voluntary standards making bodies, and welcomes the assistance and cooperation of the standards making bodies in keeping the referenced standard as current as possible.

In the 1980 edition of API 1104, "Standard for Welding Pipelines and Related Facilities," the Section 6.9 requirements for measurement of undercutting next to root beads have been reviewed and found acceptable by MTB. The provision for the use of the comparator shim (depth measuring device) contained in earlier editions has been removed from Section 6.9. Therefore, it is no longer necessary to retain the effective prohibition of the use of the comparator shim in Parts 192 and 195. Since the 1980 edition of API 1104 is incorporated by this amendment, appropriate changes are made in §§ 192.227(a), 192.229(c), 192.241(c), 195.222 and 195.228(b) in the final rule.

The final rule corrects several oversights in the NPRM: In Sections 192.113 and 195.106(e), ASTM A-155 is removed from the tables and ASTM A-671, ASTM A-672, and ASTM A-691 are inserted in lieu thereof. The designation

of ANSI A21.1 is changed to ANSI C 101-67, since this is the new ANSI designation. Also, the table in § 192.117 has been removed, since ANSI A21.3, ANSI A-21.7, and ANSI A-21.9 have been discontinued by ANSI and the design information given in the table may be gotten from ANSI C 101-67. Further, the designation of the National Electrical Code is changed from "ANSI C1" to "NFPA-70."

The TPSSC recommendation stated that the proposed rulemaking was technically feasible, reasonable, and practicable if it did not prohibit the use or reuse of materials made to an earlier listed edition. MTB believes the above discussion of policy answers TPSSC's concern in this regard.

In consideration of the foregoing, 49 CFR Parts 192 and 195 are amended as follows:

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

1. By revising § 192.7 (b) and (c) to read as follows:

§ 192.7 Incorporation by reference.

(b) All incorporated documents are available for inspection in the Materials Transportation Bureau, Washington, D.C., and at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. These materials have been approved for incorporation by reference by the Director of the Federal Register. In addition, the documents are available at the addresses provided in Appendix A to this part.

(c) The full titles for the publications incorporated by reference in this part are provided in Appendix A to this part. Numbers in parentheses indicate applicable editions. Earlier editions of documents listed in previous editions of Appendix A may be used for materials and components manufactured, designed, or installed in accordance with those earlier editions at the time they were listed. The user must refer to the appropriate previous edition of 49 CFR for a listing of the earlier listed editions.

2. By revising the table in § 192.113 to read as follows:

§ 192.113 Longitudinal joint factor (E) for steel pipe.

The longitudinal joint factor to be used in the design formula in § 192.105 is determined in accordance with the following table:

Specification	Pipe class	Longitudinal joint factor (E)
ASTM A 53.....	Seamless.....	1.00
	Electric resistance welded.....	1.00
	Furnace butt welded.....	.60
ASTM A 106.....	Seamless.....	1.00
	Electric fusion arc welded.....	.80
ASTM A 134.....	Electric resistance welded.....	1.00
ASTM A 135.....	Electric resistance welded.....	1.00
ASTM A 139.....	Electric fusion arc welded.....	.80
ASTM A 211.....	Spiral welded steel pipe.....	.80
ASTM A 333.....	Seamless.....	1.00
	Electric resistance welded.....	1.00
ASTM A 381.....	Double submerged arc welded..	1.00
ASTM A 671.....	Electric-fusion-welded.....	1.00
ASTM A 672.....	Electric-fusion-welded.....	1.00
ASTM A 691.....	Electric-fusion-welded.....	1.00
API 5 L.....	Seamless.....	1.00
	Electric resistance welded.....	1.00
	Electric flash welded.....	1.00
	Submerged arc welded.....	1.00
API 5 LX.....	Furnace butt welded.....	0.60
	Seamless.....	1.00
	Electric resistance welded.....	1.00
API 5 LS.....	Electric flash welded.....	1.00
	Submerged arc welded.....	1.00
	Electric resistance welded.....	1.00
Other.....	Pipe over 4 inches.....	1.00
Other.....	Pipe 4 inches or less.....	.60

If the type of longitudinal joint cannot be determined, the joint factor to be used must not exceed that designated for "Other."

3. By revising § 192.117 to read as follows:

§ 192.117 Design of cast iron pipe.

Cast iron pipe must be designed in accordance with ANSI C101-67.

4. By revising § 192.145(a) to read as follows:

§ 192.145 Valves.

(a) Each valve must meet the minimum requirements, or the equivalent, of API 6A, API 6D, MSS SP-70, MSS SP-71, or MSS SP-78. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those standards.

§ 192.163 [Amended]

5. By amending § 192.163(e) by removing the words "ANSI Standard C1" and inserting in their place the words "NFPA-70 (ANSI)."

6. By revising § 192.225 (a) and (b) (1) and (2) to read as follows:

§ 192.225 Qualification of welding procedures.

(a) Each welding procedure must be qualified under Section IX of the ASME Boiler and Pressure Vessel Code or Section 2 of API Standard 1104, whichever is appropriate to the function of the weld, except that a welding procedure qualified under an earlier edition previously listed in Appendix A may continue to be used but may not be requalified under the earlier edition.

(b) * * *
(1) Carbon steels that have a carbon content of 0.32 percent (heat analysis) or less.

(2) Carbon steels that have a carbon equivalent (C + ¼ Mn) of 0.65 percent (heat analysis) or less.

* * * * *
7. By revising § 192.227 (a) and (b)(1) and (2) to read as follows:

§ 192.227 Qualification of welders.

(a) Except as provided in paragraph (c) of this section, each welder must be qualified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code or Section 3 of API Standard 1104. However, a welder qualified under an earlier edition previously listed in Appendix A may weld but may not requalify under that earlier edition

(b) * * *
(1) Carbon steels that have a carbon content of 0.32 percent (heat analysis) or less.

(2) Carbon steels that have a carbon equivalent (C + ¼ Mn) of 0.65 percent (heat analysis) or less.

* * * * *
8. By revising § 192.229(c) to read as follows:

§ 192.229 Limitations on welders.

(c) A welder qualified under § 192.227(a) may not weld unless within the preceding 6 calendar months the welder has had one weld tested and found acceptable under Section 3 or 6 of API Standard 1104, except that a welder qualified under an earlier edition previously listed in Appendix A may weld but may not requalify under that earlier edition.

9. By revising § 192.237(a) to read as follows:

§ 192.237 Preheating.

(a) Carbon steel that has a carbon content in excess of 0.32 percent (heat analysis) or a carbon equivalent (C + ¼ Mn) of 0.65 percent (heat analysis) must be preheated for welding.

10. By revising § 192.239 (a) and (b) to read as follows:

§ 192.239 Stress relieving.

(a) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content in excess of 0.32 percent (heat analysis) or a carbon equivalent (C + ¼ Mn) in excess of 0.65 percent (heat analysis) must be stress relieved as prescribed in Section VIII of the ASME Boiler and Pressure Vessel Code.

(b) Except as provided in paragraph (f) of this section, each weld on carbon

steel that has a carbon content of less than 0.32 percent (heat analysis) or a carbon equivalent (C + ¼ Mn) of less than 0.65 percent (heat analysis) must be thermally stress relieved when conditions exist which cool the weld at a rate detrimental to the quality of the weld.

* * * * *

11. By revising § 192.241(c) to read as follows:

§ 192.241 Inspection and test of welds.

* * * * *

(c) The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in Section 6 of API Standard 1104.

* * * * *

§ 192.557 [Amended]

12. By amending § 192.557(d)(1) and (d)(3) by removing "ANSI A21.1" and adding in place thereof "ANSI C101-67."

13. By revising Appendixes A and B I to Part 192 to read as follows:

Appendix A—Incorporated by Reference

I. List of organizations and address.

A. American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018.

B. American Petroleum Institute (API), 1801 K Street N.W., Washington, D.C. 20006 or 300 Corrigan Tower Building, Dallas, Tex. 75201.

C. The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

D. American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pa. 19103.

E. Manufacturers Standardization Society of the Valve and Fittings Industry (MSS), 5203 Leesburg Pike, Suite 502, Falls Church, Va. 22041.

F. National Fire Protection Association (NFPA), 470 Atlantic Avenue, Boston, Massachusetts 02110.

II. Documents incorporated by reference. Numbers in parentheses indicate applicable editions.

A. American Petroleum Institute:

(1) API Specification 5A "API Specification for Casing, Tubing, and Drill Pipe" (1979).

(2) API Specification 6A "API Specification for Wellhead Equipment" (1979).

(3) API Specification 6D "API Specification for Pipeline Valves" (1977).

(4) API Specification 5L "API Specification for Line Pipe" (1980).

(5) API Specification 5LS "API Specification for Spiral-Weld Line Pipe" (1980).

(6) API Specification 5LX "API Specification for High-Test Line Pipe" (1980).

(7) API Recommended Practice 5LI "API Recommended Practice for Railroad Transportation of Line Pipe" (1972).

(8) API Standard 1104 "Standard for Welding Pipelines and Related Facilities" (1980).

B. The American Society for Testing and Materials:

(1) ASTM Specification A53 "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A53-79).

(2) ASTM Specification A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-79b).

(3) ASTM Specification A134 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Plate Pipe, Sizes 16 in. and over" (A134-74).

(4) ASTM Specification A135 "Standard Specification for Electric-Resistance-Welded Steel Pipe" (A135-79).

(5) ASTM Specification A139 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe (Sizes 4 in. and over)" (A139-74).

(6) ASTM Specification A671 "Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A671-77).

(7) ASTM Specification A672 "Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A672-79).

(8) ASTM Specification A691 "Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A691-79).

(9) ASTM Specification A211 "Standard Specification for Spiral-Welded Steel or Iron Pipe" (A211-75).

(10) ASTM Specification A333 "Standard Specification for Seamless and Welded Steel Pipe for Low Temperature Service" (A333-79).

(11) ASTM Specification A372 "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (A372-78).

(12) ASTM Specification A377 "Standard Specifications for Grey Iron and Ductile Iron Pressure Pipe" (A377-79).

(13) ASTM Specification A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for use with High-Pressure Transmission Systems" (A381-79).

(14) ASTM Specification A539 "Standard Specification for Electric Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines" (A539-79).

(15) ASTM Specification B42 "Standard Specification for Seamless Copper Pipe, Standard Sizes" (B42-80).

(16) ASTM Specification B68 "Standard Specification for Seamless Copper Tube, Bright Annealed" (B68-80).

(17) ASTM Specification B75 "Standard Specification for Seamless Copper Tube" (B75-80).

(18) ASTM Specification B88 "Standard Specification for Seamless Copper Water Tube" (B88-80).

(19) ASTM Specification B251 "Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube" (B251-76).

(20) ASTM Specification D638 "Standard Test Method for Tensile Properties of Plastic" (D638-77a).

(21) ASTM Specification D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (D2513-78ES).

(22) ASTM Specification D2517 "Standard Specification for Reinforced Epoxy Resin Gas

Pressure Pipe and Fittings" (D2517-73) (Reapproved 1979).

C. The American National Standards Institute, Inc.:

(1) ANSI A21.11 "Rubber-Gasket Joints for Ductile-Iron, and Grey Iron Pressure Pipe and Fittings" (A21.11-1979).

(2) ANSI A21.50 "Thickness Design of Ductile-Iron Pipe" (1976).

(3) ANSI A21.52 "Ductile-Iron Pipe, Centrifugally Cast, in Metal Molds or Sand-Lined Molds for Gas" (1976).

(4) ANSI B16.1 "Cast-Iron Pipe Flanges and Flanged Fittings" (1975).

(5) ANSI B16.5 "Steel Pipe Flanges and Flanged Fittings" (1977).

(6) ANSI B16.24 "Bronze Pipe Flanges and Flanged Fitting" (1979).

(7) ANSI B36.10 "Wrought Steel and Wrought Iron Pipe" (1979).

(8) ANSI C101-67 "Thickness Design of Cast-Iron Pipe" (C101-67-1977).

D. The American Society of Mechanical Engineers:

(1) ASME Boiler and Pressure Vessel Code, Section VIII "Pressure Vessels Division 1" (1977).

(2) ASME Boiler and Pressure Vessel Code, Section IX "Welding Qualifications" (1977).

E. Manufacturer's Standardization Society of the Valve and Fittings Industry:

(1) MSP SP-25 "Standard Marking System for Valves, Fittings, Flanges, and Union" (1978).

(2) MSS SP-44 "Steel Pipe Line Flanges" (1975).

(3) MSS SP-70 "Cast-Iron Gate Valves, Flanged and Threaded Ends" (1976).

(4) MSS SP-71 "Cast-Iron Swing Check Valves, Flanged and Threaded Ends" (1976).

(5) MSS SP-78 "Cast-Iron Plug Valves" (1977).

F. National Fire Protection Association:

(1) NFPA Standard 30 "Flammable and Combustible Liquids Code" (1977).

(2) NFPA Standard 58 "Standard for the Storage and Handling of Liquefied Petroleum Gases" (1979).

(3) NFPA Standard 59 "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" (1979).

(4) NFPA Standard 59A "Storage and Handling Liquefied Natural Gas" (1979).

(5) "National Electrical Code" NFPA-70 (ANSI) (1978).

Appendix B—Qualification of Pipe

I. Listed Pipe Specifications. Numbers in parentheses indicate applicable editions.

API 5L—Steel pipe (1980).

API 5LS—Steel pipe (1980).

API 5LX—Steel pipe (1980).

ASTM A53—Steel pipe (1979).

ASTM A106—Steel pipe (1979).

ASTM A134—Steel pipe (1974).

ASTM A135—Steel pipe (1979).

ASTM A139—Steel pipe (1974).

ASTM A211—Steel and iron pipe (1975).

ASTM A333—Steel pipe (1979).

ASTM A377—Cast iron pipe (1979).

ASTM A381—Steel pipe (1979).

ASTM A539—Steel tubing (1979).

ASTM Specification A671—Steel pipe (1977).

ASTM Specification A672—Steel pipe (1979).

ASTM Specification A691—Steel pipe (1979).

ASTM B42—Copper pipe (1980).

ASTM B68—Copper tubing (1980).
 ASTM B75—Copper tubing (1980).
 ASTM B88—Copper tubing (1980).
 ASTM B251—Copper pipe and tubing (1976).
 ASTM D2513—Thermoplastic pipe and tubing (1978).
 ASTM D2517—Thermosetting plastic pipe and tubing (1973).
 ANSI A21.52—Ductile iron pipe (1971).

* * * * *
 (49 USC 1672; 49 USC 1804 for offshore gas gathering lines; 49 CFR 1.53, Appendix A of Part 1)

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

14. By revising § 195.3 to read as follows:

§ 195.3 Matter incorporated by reference.

(a) There are incorporated by reference in this part all materials referred to in this part. Those materials are hereby made a part of this regulation. Applicable editions are listed in paragraph (c) of this section in parentheses following the title of the referenced material. Earlier editions listed in previously editions of this section may be used for components manufactured, designed, or installed in accordance with those earlier editions at the time they were listed. The user must refer to the appropriate previous edition of 49 CFR for a listing of the earlier listed editions.

(b) All incorporated materials are available for inspection in the Materials Transportation Bureau, Washington, D.C., and at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. These materials have been approved for incorporation by reference by the Director of the Federal Register. In addition, materials incorporated by reference are available as follows:

(1) American Petroleum Institute (API), 1801 K Street, N.W., Washington, D.C. 20006, or 300 Corrigan Tower Building, Dallas, Texas 75201.

(2) The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

(3) Manufacturers Standardization Society of the Valve and Fittings Industry (MSS), 5203 Leesburg Pike, Suite 502, Falls Church, Va 22041.

(4) American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018.

(5) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pa. 19103.

(c) The full title for the publications incorporated by reference in this part are as follows:

(1) American Petroleum Institute:

(i) API Specification 6D "API Specification for Pipeline Valves," which may be obtained from the Dallas office (1977).

(ii) API Specification 1104 "Standard for Welding Pipe Lines and Related Facilities" (1980).

(iii) API Specification 5L "API Specification for Line Pipe" (1980).

(iv) API Specification 5LS "API Specification for Spiral-Weld Line Pipe" (1980).

(v) API Specification 5LX "API Specification for High-Test Line Pipe" (1980).

(2) ASME Code is the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, "Pressure Vessels, Division 1" (1977).

(3) Manufacturers Standardization Society of the Valve and Fitting Industry:

MSS SP-75, Specification for High-Test Wrought Weldings Fittings (1976).

(4) American National Standards Institute:

(i) ANSI B16.9 "Factory Made Wrought Steel Butt-Welding Fittings" (1978).

(ii) ANSI B31.4 "Liquid Petroleum Transportation Piping Systems" (1979).

(5) American Society for Testing and Materials:

(i) ASTM Specification A53 "Standard Specification for Welded and Seamless Steel Pipe" (1979).

(ii) ASTM Specification A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (1979b).

(iii) ASTM Specification A134 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Plate Pipe, Size 16 in. and Over" (1974).

(iv) ASTM Specification A135 "Standard Specification for Electric-Resistance Welded Steel Pipe" (1979).

(v) ASTM Specification A139 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe, Sizes 4 inch and over" (1974).

(vi) ASTM Specification A671 "Electric-Fusion-Welded Steel Pipe For Atmospheric and Lower Temperatures" (1977).

(vii) ASTM Specification A672 "Electric-Fusion-Welded Steel Pipe For High Pressure Service At Moderate Temperatures" (1979).

(viii) ASTM Specification A691 "Carbon and Alloy Steel Pipe Electric-Fusion-Welded For High Pressure Service At High Temperatures" (1979).

(ix) ASTM Specification A211 "Standard Specification for Spiral-Welded Steel or Iron Pipe" (1975).

(x) ASTM Specification A333 "Standard Specification for Seamless

and Welded Steel Pipe for Low-Temperature Service" (1979).

(xi) ASTM Specification A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for High Pressure Transmission Systems" (1979).

15. By revising the table in § 195.106(e) to read as follows:

§ 195.106 Internal design pressure.

* * * * *
 (e) * * *

Specification	Pipe class	Seam joint factor
ASTM A53	Seamless.....	1.00
	Electric resistance welded.....	1.00
	Furnace lap welded.....	0.80
ASTM A106	Seamless.....	1.00
	Electric fusion arc welded.....	0.80
	Electric resistance welded.....	1.00
ASTM A134	Electric fusion welded.....	0.80
ASTM A135	Spiral welded pipe.....	0.80
ASTM A211	Seamless.....	1.00
ASTM A333	Welded.....	1.00
	Double submerged arc welded..	1.00
ASTM A381	Electric-fusion-welded.....	1.00
ASTM A672	Electric-fusion-welded.....	1.00
ASTM A691	Electric-fusion-welded.....	1.00
APL 5L	Seamless.....	1.00
	Electric resistance welded.....	1.00
	Electric flash welded.....	1.00
API 5LX	Submerged arc welded.....	1.00
	Furnace lap welded.....	0.80
	Furnace butt welded.....	0.60
API 5LS	Seamless.....	1.00
	Electric resistance welded.....	1.00
	Submerged arc welded.....	1.00

The seam joint factor for pipe which is not covered by this paragraph must be approved by the Secretary.

§ 195.118 [Amended]

16. By revising § 195.118 by placing a period after the words "MSS Standard Practice SP-75" and deleting the remaining text.

17. By revising § 195.222 to read as follows:

§ 195.222 Welders: Testing.

Each welder must be qualified in accordance with section 3 of API Standard 1104, except that a welder qualified under an earlier edition of API 1104 previously listed in § 195.3 may weld but may not requalify under that earlier edition.

18. By revising § 195.228(b) to read as follows:

§ 195.228 Welds and welding inspection: Standards of acceptability.

* * * * *

(b) The acceptability of a weld is determined according to the standards in section 6 of API Standard 1104.

(Hazardous Liquid Pipeline Safety Act of 1979, Title II of Pub. L. 96-129, § 203, 93 Stat. 1004; 49 CFR 1.53, Appendix A of Part 1)

Issued in Washington, D.C., on January 19, 1981.

L. D. Santman,

Director, Materials Transportation Bureau,

[FR Doc. 81-3392 Filed 1-30-81; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1109 -

[Ex Parte No. 320]

Rail Market Dominance and Related Considerations

AGENCY: Interstate Commerce
Commission.

ACTION: Stay of removal of existing
regulations.

SUMMARY: The Commission removed its existing market dominance regulations at 49 CFR 1109.1 by notice published in the Federal Register on December 18, 1980 (45 FR 83237). The Commission is now staying the removal of these regulations, except (49 CFR 1109.1(g)(2)).

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard B. Felder or Jane F. Mackall,
(202) 275-7656.

SUPPLEMENTARY INFORMATION: By motion filed January 9, 1981, the Chlorine Institute, Inc., *et al.* requests the Commission stay pending judicial review our removal of the market dominance regulations at 49 CFR 1109.1. In our decision served December 11, 1980 and published in the Federal Register on December 18, 1980, (45 FR 83237) we removed these regulations because of changes in the market dominance standards made by the Staggers Rail Act of 1980. The Chlorine Institute argues that our removal order constitutes a final rule of substantive law promulgated without notice and comment in violations of the Administrative Procedure Act requirements of 5 U.S.C. 553. It also submits that the removal order constitutes a violation of terms of section 202(b) of the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4-R Act) which mandates that the Commission promulgate and maintain regulations for determining market dominance.

The motion for stay will be granted in part. I do not agree that there has been a violation of the Administrative Procedure Act, inasmuch as removal of the regulations was the subject of notice and comment in Ex Parte No. 320 (Sub-No. 1) (proposed at 45 FR 3353, January

17, 1980 and withdrawn at 45 FR 83302, December 18, 1980).

Nonetheless, only part of the regulations, 49 CFR 1109.1(g)(2), is in direct conflict with the Staggers Act. There is no necessity for the immediate removal of the other parts of 49 CFR 1109.1. Moreover, a stay of the removal will forestall unnecessary litigation. Therefore, a partial stay will be granted pending the issuance of final rules in Ex Parte No. 320 (Sub-No. 2). *Market Dominance Determinations and Consideration of Product Competition* (notice of proposed policy published in Federal Register on December 18, 1980, 45 FR 83342 and reclassified as a notice of proposed rulemaking elsewhere in this issue).

It is ordered:

The motion of the Chlorine Institute, Inc., *et al.* for stay pending judicial review is granted. Our December 11, 1980 removal order is stayed in part, and the market dominance regulations at 49 CFR 1109.1, except for § 1109.1(g)(2), shall remain in effect until final rules in Ex Parte No. 320 (Sub-No. 2) become effective.

Decided: January 21, 1981.

By the Commission, Marcus Alexis, Vice
Chairman.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3690 Filed 1-30-81; 8:45 am]

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