

persons to accept personal funds and the disposition required; and

(3) Receipts and written sworn statements explaining the failure to account for funds or return them to the claimant.

(i) *Motor vehicles or mobile homes in transit.* Claims for damage to motor vehicles or mobile homes in transit should be accompanied by a copy of orders or other available evidence to establish the claimant's lawful right to have the property shipped and evidence to establish damage in transit.

#### § 11.77 Settlement of claims.

(a) The General Counsel, FEMA, is authorized to settle (consider, ascertain, adjust, determine, and dispose of, whether by full or partial allowance or disallowance) any claim under this subpart.

(b) The General Counsel may formulate such procedures and make such redelegations as may be required to fulfill the objectives of this subpart.

(c) The General Counsel shall conduct or request the Office of Inspector General to conduct such investigation as may be appropriate in order to determine the validity of a claim.

(d) The General Counsel shall notify a claimant in writing of action taken on their claim, and if partial or full disallowance is made, the reasons therefor.

(e) In the event a claim submitted against a carrier under § 11.75 has not been settled, before settlement of the claim against the Government pursuant to this subpart, the General Counsel shall notify such carrier or insurer to pay the proceeds of the claim to FEMA to the extent FEMA has paid such to claimant in settlement.

(f) The settlement of a claim under this subpart, whether by full or partial allowance or disallowance, is final and conclusive.

#### § 11.78 Computation of amount of award.

(a) The amount allowed for damage to or loss of any items of property may not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange), and there will be no allowance for replacement cost or for appreciation in the value of the property. Subject to these limitations, the amount allowable is either:

(1) The depreciated value, immediately prior to the loss or damage, of property lost or damaged beyond economical repair, less any salvage value; or

(2) The reasonable cost of repairs, when property is economically

repairable, provided that the cost of repairs does not exceed the amount allowable under paragraph (a)(1) of this section.

(b) Depreciation in value is determined by considering the type of article involved, its costs, its conditions when damaged or lost, and the time elapsed between the date of acquisition and the date of damage or loss.

(c) Replacement of lost or damaged property may be made in-kind whenever appropriate.

#### § 11.79 Attorney's fees.

No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under this subpart shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim. A person violating this section shall be fined not more than \$1,000.

Dated: September 10, 1984.

Louis O. Giuffrida.

Director.

[FR Doc. 84-24460 Filed 9-14-84; 8:45 am]

BILLING CODE 6718-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 84-804; RM-4789]

### TV Broadcast Station in Sheridan, WY; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: On August 29, 1984, the Commission published a Notice of Proposed Rule Making in this proceeding concerning the assignment of an FM Broadcast Station in Sheridan, Wyoming (49 FR 34257). Inadvertently, the assigned Docket number was referred to in the Preamble as MM Docket number 83-804. The correct Docket number is 84-804.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheurle, Mass Media Bureau, (202) 634-6530.

William J. Tricarico, Secretary, Federal Communications Commission.

[FR Doc. 84-24597 Filed 9-14-84; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 192

[Docket No. PS-61; Notice 2]

### Transportation of Natural and Other Gas by Pipeline; Maps and Records

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Withdrawal of Advance Notice of Proposed Rule making (ANPRM).

SUMMARY: An ANPRM was published to generate information to be used in evaluating the need for requiring additional maps and records of gas pipeline systems as a means of improving pipeline safety. The information obtained showed that additional regulations would not result in net safety benefits.

FOR FURTHER INFORMATION CONTACT: Robert F. Langley, (202) 426-2082.

SUPPLEMENTARY INFORMATION: The National Transportation Safety Board (NTSB), in a published recommendation (P-78-50), recommended to MTB that "the Materials Transportation Bureau of the U.S. Department of Transportation: Revise 49 CFR Part 192 to require that gas company system maps and records be maintained accurately to identify the location, size, and operating pressure of all of their pipelines."

NTSB also made a recommendation to a gas pipeline operator (P-77-40) with regard to verifying the location and the mapping of all high pressure shut-off valves. Additional accident investigation reports, issued by NTSB and reported in Docket No. PS-61; Notice 1, indicated a lack of maps or records or a misreading of the available maps or records by the gas pipeline operator. According to NTSB, the operator's lack of proper records possibly increased the severity of the accidents recorded. Following these recommendations, MTB published an ANPRM (Docket No. PS-61; Notice 1, 44 FR 68493, November 29, 1979) to gain more information about the need for new or additional Federal regulations that would require operators to keep additional specific information on maps or records.

At the time that the ANPRM of Docket No. PS-61 was being written, the Congress enacted an amendment (Pub. L. 98-129) to the Natural Gas Pipeline Safety Act of 1968. In section 110(b)(1) of this amendment, the Secretary of Transportation was directed to conduct a study as to whether pipeline safety

could be significantly enhanced in a cost-effective manner by regulations requiring pipeline facility operator to prepare and maintain a general description of their pipeline facilities. Several of the questions in the ANPRM were asked to provide feedback from gas pipeline operators relative to the survey requested by the Congress. Notable among those questions were those suggesting that information be included on records with regard to climate, geology, seismology, and projected population for the area adjacent to the pipeline.

#### Notice 1 and Responses Received

Notice 1 of Docket No. PS-61 asked a total of 17 major questions with some of these containing other relevant questions. The 84 commenters to the ANPRM represented a cross section of industry trade associations, large and small gas operators, members of the public at large, and the Congress. Many of the State agencies commented also. The Technical Pipeline Safety Standards Committee (TPSSC) reviewed and commented on the docket at a public hearing held June 17, 1980. Two of the commenting trade associations had conducted a survey among their members on some of the items presented in the ANPRM, so their comments reflected the views of several hundred gas operators.

It was evident, after reviewing the comments that, as MTB has found during inspections, the majority of gas pipeline operators have a system of mapping and record keeping meeting or exceeding the suggested requirements of Docket No. PS-61. Most of the remainder of the commenters are, at present, keeping maps or other written records of satisfactory quality to meet the requirements of Part 192.

Two commenters could not see any reason to have requirements for records or mapkeeping in the regulations and preferred their own methods of maintaining records. These two commenters are probably typical of some of the operators encountered on inspections by representatives of MTB's Office of Operations and Enforcement (OOE). The inspectors have reported operators who kept records or maps on scraps of paper or by memory. For this type of operator, OOE has found that educating such an operator in proper record keeping methods is more effective than new or additional regulations.

Two State agencies and other commenters, amounting to 14 percent of the responses, stated that they could not see any justification for having

additional requirements for records or mapkeeping in the regulations. Their reasons for this were that existing regulations are sufficient; a greater burden would be placed on the consumer since the additional costs of compliance would be passed on to the gas user, and maps would reveal the location of the gas facilities leaving the facilities prone to sabotage.

Another general comment, repeated by 49 percent of the commenters, had to do with making mapkeeping regulations apply retroactively to existing pipeline systems. These commenters pointed out that the NTSB recommendations quoted in the ANPRM discussed failures of operators to locate older buried facilities in a timely manner. The NTSB conclusion in their report was that, in some instances, locating facilities more quickly would have presented some injuries and damages. In discussing the question in relation to the points from the NTSB reports, these commenters then concluded that MTB would have to retroactively apply the requirements if they were to satisfy NTSB's concern. These commenters estimated that increased costs to the gas pipeline industry would be in excess of 100 million dollars if there were a requirement to map old gas pipeline systems not currently mapped or to update existing maps of these systems.

MTB's analysis supports the position of these commenters in regard to the high cost of searching for and mapping these portions of existing systems that are currently unmapped.

#### DOT Cost-Benefit Analysis

Section 110(a) of the 1979 amendment to the Natural Gas Pipeline Safety Act of 1968 directed the Secretary of Transportation to conduct and complete a cost-benefit analysis to determine whether additional legislation on pipeline safety is beneficial. The report submitted to the Congress, "Cost Benefit Analysis of Increased Natural Gas Pipeline Safety Regulation"—April 1981, by MTB centered on regulations currently being proposed.

One of the proposals, for which a cost-benefit analysis was made, was the proposal made in Docket No. PS-61 to provide adequate maps and records of gas pipeline systems. This is discussed in Chapter 5 of the analysis. Chapter 5 contains several tables which had been developed from a survey conducted by the Transportation Systems Center in 1980 and from information in the comments to Docket No. PS-61. In assessing the potential benefits of additional maps and records, Table 5-3 of the analysis lists data items

referenced by pipeline safety regulations. In order that an operator might fully comply with the sections of 49 CFR Part 192 listed, some sort of record, map, or other proof of compliance must be maintained.

TABLES 5.3.—DATA ITEMS REFERENCED BY REGULATIONS

Data item	Data included in regulations
<b>A. Location of facilities:</b>	
1. Pipelines (all sizes).....	Services: §§ 192.353, 192.355, § 192.163.
2. Compressor/regulator stations.....	
3. Primary line valves.....	§ 192.181.
4. Vaults.....	§ 192.185.
5. Rectifiers.....	
6. Appurtenances.....	
<b>B. Facility descriptions:</b>	
1. Age.....	DOT F7100.1-1 Parts B&C; DOT F7100.2-1 Parts B&C; DOT F7100.1-1 Part G; DOT F7100.2-1 Part G.
2. Type of material.....	
3. Type of construction.....	
4. Pipe size.....	DOT F7100.1-1 Part G; DOT F7100.2-1 Part G.
5. Wall thickness.....	DOT F7100.1-1-0b; DOT F7100.2-8b, 192.109.
6. Coating.....	DOT F7100.1-1 Part B; DOT F7100.1 Part A.2; DOT F7100.2-1 Part B; DOT F7100.2 Part A.2, 192.461.
7. Cathodic protection.....	DOT F7100.1 Part A.4; DOT F7100.2; Part A.4, 192.455.
8. Design specification.....	DOT F7100.1-8c; DOT F7100.2-8c.
9. Manufacturer.....	
<b>C. Operating conditions:</b>	
1. Material transported.....	
2. Transport pressure.....	DOT F7100.1-2d; DOT F7100.2-3l. 192.619, 192.623.
3. MAOP.....	
<b>D. Ambient conditions:</b>	
1. Climate.....	
2. Soil/geology.....	
3. Seismic.....	
4. Population (class location studies).....	§§ 192.5, 192.607, 192.609, 192.613.
5. Demographic.....	

Opposite these suggested requirements in the table are shown the present regulations in 49 CFR Part 192 or reporting requirements in 49 CFR Part 191 for which, in order to fulfill the requirements of the regulation, an operator would have to maintain the suggested record. Sixty-two percent of the commenters to Docket No. PS-61 indicated that they were keeping records in a form or manner to show compliance with an existing regulation. As shown by Table 5.4 of the report, typical gas pipeline operators maintain more thorough records than NTSB suggests should be kept and more than are required by inference in the existing regulations.

As discussed in the analysis on pages 5-11 and 5-13 of the above report to Congress:

The implementation of a regulation requiring pipeline operators to maintain a description of their facilities in sufficient detail for adequate field work (operations, maintenance, inspection) would require certain actions by both the Department and

industry. In order to determine whether operators has sufficient maps, information records and retrieval systems, MTB would have to establish operational guidelines for field inspectors to utilize in evaluating each operator's mapping and information system. Criteria developed in section 5.2 would be utilized as the basis for these inspections, with the field inspectors making a final determination as to sufficiency of the mapping and information system. MTB would identify the noncompliant operators, note deficiencies and establish a period of compliance.

Pipeline operators, without sufficient maps, records or retrieval systems would be required to develop this information in sufficient detail to satisfy the requirements imposed by regulation. In many cases, operators might only have to develop information on parts of their existing facilities, and the extent of this data assemblage would be based on the availability of existing information. Thus, most of the resultant actions and activities would be placed on pipeline operators.

The costs associated with a regulatory requirement for maintaining a description of

pipeline facilities would impact both the Department and industry. In order to be consistent with information presented in Chapter 4, Department costs are termed *administrative costs* and industry costs are termed *compliance costs*.

Table 5.6 of the analysis enumerates some of these costs.

As discussed on page 5-14 of the analysis:

Administrative costs would be incurred due to the examination and evaluation of current mapping and recording of information on pipeline facilities. It is estimated that each system would require eight hours of inspection time for initial evaluation of maps and records and one hour per year for subsequent review. Over a twenty-year period this would require 27 hours of inspection time for each pipeline system. As there are approximately 7,000 gas pipeline systems which would be affected by mapping requirements, 169,000 inspection hours would be required. Using a burdened rate of \$50 per hour, the administrative costs of mapping requirements can be estimated at \$9,450,000.

Since a facilities description requirement would not substantially affect large distribution companies, any possible benefits in terms of reduced leaks would be minimal. Requiring such descriptions to be maintained by smaller operators, especially municipal and master meter operators, might produce more positive results with regard to leaks resulting from damage by outside forces. However, the diversion of operating funds into the development of maps and records could also result in a net reduction in safety due to overall system deterioration.

The commenters to Notice 1 also developed costs. Their costs were somewhat higher than those presented in the DOT cost-benefit analysis. The commenters averaged their costs for mapping both existing and new systems and arrived at a cost per customer of \$20.00. The 22 commenters who presented costs represented 7,235,000 gas customers. The total cost would be \$144,700,000. If this average cost is extended nationwide to all 48,717,100<sup>1</sup> gas utility customers, the total projected cost for additional mapping of existing and new gas pipeline systems would be \$974,342,000. At the December 17, 1930, TPSSC meeting in Washington, D.C., the American Gas Association made a report indicating that costs to industry of converting to computerized records would be at least \$500,000,000.

**Conclusions**

The MTB cannot present any substantial benefits to offset the costs presented to it, which are even higher than those presented in the cost-benefit analysis. Since the gas pipeline operators should now be keeping records, which could also include maps, to show compliance with many of the present regulations, it appears redundant to set forth additional specific regulations requiring the same records.

Because of high costs and the fact that gas pipeline safety would not be significantly enhanced, at this time, by further regulation dealing with maps and records, the proposals presented in Docket No. PS-61; Notice 1 are hereby withdrawn.

(49 U.S.C. 1672; 49 CFR 1.53; Appendix A of Part 1, and Appendix A of Part 106)

Issued in Washington, D.C., on September 11, 1984.

Richard L. Beam,  
Associate Director for Pipeline Safety  
Regulation, Materials Transportation Bureau.  
[FR Doc. 84-2425 Filed 9-14-84; 8:45 am]  
BILLING CODE 4910-55-M

<sup>1</sup>American Gas Association Annual Report.

TABLES 5.4. ADDITIONAL DATA REQUIREMENTS WHICH MIGHT HAVE TO BE MAINTAINED BY OPERATORS, AS A RESULT OF PIPELINE FACILITIES DESCRIPTION REQUIREMENTS OF SECTION 110(b)(1)

Data item	Currently maintained by typical operators	Included in current regulation	Additional data which might be required
<b>A. Location of facilities:</b>			
1. Pipeline (all sizes)	X	X	
2. Compressor/regulator stations	X	X	
3. Primary line valves	X	X	
4. Vaults	X	X	
5. Rectifiers	X		X
6. Appurtenances	X		X
<b>B. Facility descriptors:</b>			
1. Age	X	X	
2. Type of material	X	X	
3. Type of construction	X		X
4. Pipe size	X	X	
5. Wall thickness	X	X	
6. Coating	X	X	
7. Type cathodic protection	X	X	
8. Design Specification	X	X	
9. Manufacturer			X
<b>C. Operating Conditions:</b>			
1. Material transported			X
2. Transport pressure		X	
3. MAOP	X	X	
<b>D. Ambient conditions:</b>			
1. Climate			X
2. Soil/geology			X
3. Seismic			X
4. Population (class location studies)		X	
5. Demographic			X

<sup>1</sup> These data would only be maintained if extraordinary conditions exist.

TABLE 5.6. ESTIMATED COST OF COMPLIANCE FOR MAINTAINING A DESCRIPTION OF PIPELINE FACILITIES—SMALL DISTRIBUTION SYSTEMS (1980 DOLLARS)

Total mileage		181,600
Cost of mapping (\$100 to \$200 per mile)	\$18,180,000	\$36,360,000
Cost of information record system (\$25 to \$50 per mile)	4,545,000	9,090,000
Cost of annual maintenance of records and maps (\$1 to \$2 per mile for 19 years)	3,454,200	6,908,400

TABLE 5.6. ESTIMATED COST OF COMPLIANCE FOR MAINTAINING A DESCRIPTION OF PIPELINE FACILITIES—SMALL DISTRIBUTION SYSTEMS (1980 DOLLARS)—Continued

Total cost	\$26,179,200	\$52,357,400

The benefits of instituting additional specific regulations for maps and records are discussed on page 5-25 of the analysis as follows: