

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before January 16, 1986, and reply comments on or before January 31, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows:

Richard Taylor, 17 Amble Road,
Chelmsford, MA 01824 (petitioner)
Early D. Monroe, EDM & Associates,
1110 Vermont Avenue, N.W., Suite
1130, Washington, D.C. 20005,
(consultant to the petitioner)

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes and *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.
Charles Schott,
Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set

forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished to the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 85-28502 Filed 11-29-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. PS-87; Notice 1]

Transportation of Gas or Hazardous Liquids by Pipeline; Welding Requirements

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: RSPA proposes to amend Parts 192 and 195 by generally conforming requirements for welding procedure qualification and for welder qualification. Identical performance standards are proposed for qualification of welding procedures under both regulations, except for retained provisions for low stress level gas pipelines in Part 192. Industry standards incorporated by reference would be retained for qualification of welders and for weld acceptability standards.

DATE: Interested persons are invited to submit written comments on this proposal. All comments must be filed by January 31, 1986, although late filed comments will be considered as far as is practicable. Interested persons should submit as a part of their written comments all material that is considered relevant to any statement of fact or argument made.

ADDRESS: Comments should be sent to the Dockets Branch, Room 8426, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and identify the docket and notice numbers. All comments and other docket material are available in Room 8426 for inspection and copying between the hours of 8:30 a.m. and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: William A. Gloe, (202) 426-2082, regarding the content of this proposal, or the Dockets Branch, (202) 426-3148, regarding copies of the proposal or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

This proceeding continues the process of conforming the welding requirements of Part 192 for gas pipelines and the welding requirements for hazardous liquid pipelines in Part 195. The two sets of requirements were developed separately at different times, and in

some instances treat similar welding matters differently. In some cases a welding matter is treated by one set of standards but not the other. Certain sections, such as those pertaining to welders on low stress pipelines who work primarily on gas distribution systems are necessarily distinct from the welding requirements for liquid pipelines. However, where language differences are merely in style or cannot be explained on the basis of technical or safety differences between gas and liquid pipelines, RSPA believes it would be advantageous to conform the two sets of regulations as far as possible. RSPA and many State agencies will be enforcing both sets of standards. Also, many companies operate both gas and hazardous liquid pipelines. Conformity would ease the burden of compliance for all. One objective of this rulemaking, therefore, is to conform sections of Parts 192 and 195 on qualification of welding procedures, qualification of welders, and on preheating and stress relieving. The relevant sections are §§ 192.223, 192.225, 192.227, 192.237, 192.239, 195.214, and 195.222. Other sections have been deferred for more study. Sections under study may be the subject of future rulemaking proceedings.

Qualification of Welding Procedures

Requirements that welding be performed under qualified written procedures appear in §§ 192.223(a) and 192.225 and § 195.214(b). Using performance language, § 195.214(b) requires that welding be "performed in accordance with established written welding procedures that have been tested to assure that they will produce sound, ductile welds that comply with the requirements of this subpart [Subpart D]." On the other hand, § 192.225 requires qualification of welding procedures in accordance with section 2 of API Standard 1104 or Section IX of the ASME Boiler and Pressure Vessel Code, makes provisions for separate qualification when using the ASME Code, and requires that each procedure must be recorded, and the record retained and followed whenever the procedure is used. Comparing § 192.225 with paragraph (b) of § 195.214, the single regulatory difference is a subtle indication of how the procedures must be qualified, or tested. The word qualified, as used in the industry standards, means "tested." API defines Qualified Welding Procedure as follows:

The term "qualified welding procedure" as used in this standard shall mean a tested and proven detailed method by which sound welds having suitable mechanical properties can be produced.

The ASME Code does not define "qualified welding procedure" directly, but states the following with regard to the "Welding Procedure Specification" (WPS):

Each manufacturer or contractor shall qualify the WPS by the welding of test coupons, and the testing of specimens, as required in this Code, and recording the welding data and test results in a document known as a "Procedure Qualification Record" (PQR).

Section 195.214 uses the word "tested." The only connotation of § 192.225 not expressed by § 195.214 is that the industry codes incorporated by reference in § 192.225 require destructive testing. Thus, § 192.225 provides for destructive testing in qualification of the welding procedure by reference to the industry codes, but uses performance language for establishment of the procedures. Both Parts 192 and 195 use the phrase "established written welding procedures" as performance language that does not involve reference to either API 1104 or the ASME Code. Because of the very minimal difference, therefore, in the actual difference between the gas and liquid regulations, RSPA proposes to conform the two by using the same performance language, by specifying destructive testing of test welds, and by stating the requirements as follows:

Welding must be performed by a qualified welder in accordance with established written welding procedures that have been tested and the quality of the test welds determined by destructive testing to meet the acceptability standards of this subpart.

The present language regarding "sound, ductile welds" would be replaced by the more direct reference to the acceptability standards of the subpart. Requirements for weld soundness are included in the acceptability standards while ductility is tested only as part of the welding procedure qualification (the guided bend test) and specified in the filler metal specification as percent elongation. RSPA believes that requirements for ductility must be considered without specific regulation in the avoidance of weld cracks. Because cracks are not permitted in pipeline girth welds, there is no further safety benefit in requiring "ductile" welds without defining the extent of ductility necessary or the purpose. The present requirement for "sound, ductile welds" does not refer back to destructive testing of the test welds in qualification of the procedure. By emphasizing destructive testing and by specifying the objective as meeting the standards of acceptability, RSPA believes that both regulations can be

more readily understood and that safety will be enhanced.

Paragraph (c) of § 192.225 now reads:

(c) Each welding procedure must be recorded in detail during the qualifying tests. This record must be retained and followed whenever the procedure is used.

There are similar requirements for welding procedures under Part 195 (the last sentence of § 195.214): "Detailed records of these tests must be kept by the operator involved." Again, RSPA is concerned with the unnecessary difference between Parts 192 and 195, and proposes that these similar requirements for welding procedures under both regulations be restated as:

Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

Although the language would be more complete for both regulations, RSPA feels that this proposed restatement of existing requirements would impose no additional burden on the industry than the current regulations.

Qualification of Welders

Requirements for qualification of welders are provided by paragraph (b) of § 192.223, and § 192.227, and § 192.222. Paragraph (b) of 192.223 was discussed in the original issuance of Subpart E as intending to convey the meaning that welders are to be qualified, or tested, in accordance with API 1104 or the ASME Boiler and Pressure Vessel Code such that welders will be capable of performing welding under the procedure to be used. The paragraph now states:

(b) Welding must be performed by welders who are qualified under §§ 192.227 and 192.229 for the welding procedure to be used.

Detailed requirements are contained in section 3 of API 1104 and in section IX of the ASME Code, as referenced in § 192.227, to assure that welders can perform welding under the required procedure. Section 192.229 specifies limitations on types of welder qualification and the need for periodic requalification for gas pipelines only. Part 195 has no similar requirement.

Because the system used in API 1104 and the ASME Code permits a welder to weld under more than one welding procedure without the need for requalification, and because paragraph (b) of § 192.223 can and has been misinterpreted to require that welders be tested for each welding procedure to be used, the paragraph can be misleading. RSPA proposes to delete paragraph (b) of § 192.223 because it

merely references the requirements of §§ 192.227 and 192.229, and to combine the general welding procedure requirements now in § 192.223(a) in § 192.225.

Sections 192.227 and 195.222 are intended to serve the same purpose, with the exception of paragraph (c) of § 192.227. That paragraph provides for qualification of welders who work on low stress piping, such as in distribution systems. No similar requirement is necessary for Part 195. In May, 1984 a Notice of Proposed Rulemaking was issued to conform § 195.222 with paragraph (a) of § 192.227 by adding section IX of the ASME Code to Part 195 for welder qualification. Comments were favorable, and in September, 1984, a final rule was published in the *Federal Register* (49 FR 36859, September 20, 1984) Changing § 195.222 to:

Each welder must be qualified in accordance with section 3 of API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code except that a welder qualified under an earlier edition than listed in § 195.3 may weld but may not requalify under that earlier edition.

Paragraph (b) of § 192.227 exempts welders from separate qualification for differences in carbon or low alloy steels being welded when being qualified under the ASME Code. RSPA believes this paragraph to be unnecessary. Material, within broad limits, is not an essential variable for welder qualification. Accordingly, it is proposed to delete paragraph (b) of § 192.227, and to redesignate paragraph (c) as (b), retaining the exception for welder qualification on low stress gas piping. Section 192.237, Preheating.

While proposing to delete § 192.237 from Part 192 for conformance with Part 195, RSPA believes that there is an unquestionable need for preheating certain steels for welding under conditions that would cause the weld to cool too rapidly. Preheating would be necessary to prevent weld cracking well within the chemistry limits given by paragraph (a) of § 192.237. That paragraph states:

(a) Carbon steel that has a carbon content in excess of 0.32 percent (heat analysis) or a carbon equivalent ($C + 1/4MN$) of 0.65 percent (heat analysis) must be preheated for welding.

RSPA feels that this requirement originated at a time when it was considered possible that steel line pipe of such high carbon content would be manufactured and preheating would certainly be required. In the development of the steelmaking technology for line pipe, however, carbon content and carbon equivalents

have been consistently reduced through the years such that there is no danger of encountering line pipe steel of the composition. Even most pipe fittings have a carbon content of less than 0.32 percent even though welds at fittings are commonly preheated.

Paragraph (b) of § 192.237 is a performance requirement, stating that if the carbon content or carbon equivalent is less than the limits given in paragraph (a), carbon steel must be preheated for welding when—

... preheating will alleviate existing conditions that would limit the welding technique or tend to adversely affect the quality of the weld.

This requirement was derived from the 1968 edition of ANSI B31.8, which stated in part, "Preheating may also be advisable for steels having lower carbon or carbon equivalent . . .". As above, RSPA believes that the need for preheating is definite under certain conditions to prevent-weld cracking, and that unnecessarily vague language to describe the need does not accomplish the intended purpose. Standards of weld acceptability as incorporated in both Parts 192 and 195 prohibit cracks in pipeline welds, and RSPA feels that these incorporated standards provide more complete, adequate control for preheating when it becomes necessary.

Paragraph (c) of § 192.237 now reads as follows:

(c) When steel materials with different preheat temperatures are being preheated for welding, the higher temperature must be used.

Paragraph 826.2 of the 1968 edition of ANSI B31.8 specified the requirement differently as follows:

When welding dissimilar materials having different preheating requirements. The material having the higher preheat temperature shall govern.

Dissimilar materials are considered to be those having widely different characteristics which is not believed likely to occur in pipeline welding. Further, the translation to "steel materials with different preheat temperatures" adds unnecessary confusion in view of the need for consideration of other factors in determining preheat temperature. Therefore, RSPA proposes to delete the requirement as unnecessary and to consider the establishment of preheat temperature relative to the material being welded as part of the qualified welding procedure.

Paragraph (d) of § 192.237 states that preheat temperatures must be monitored to ensure that the required preheat temperature is reached before, and

maintained during, the welding operation. If treated as part of the qualified welding procedure, which RSPA believes is the common practice, the preheat temperature is checked, and the interpass temperature maintained and checked as required by the procedure. The paragraph provides no additional guidance or safety regulation than would be obtained by customary practice within the industry and the requirement for qualified welding procedures.

Section 192.239, Stress relieving.

In accordance with the policy determination to conform the welding requirements of Parts 192 and 195, RSPA proposes to delete § 192.239.

Part 195 contains no separate section on stress relieving (or for preheating), does not incorporate section 2 of API Standard 1104 or section IX of the ASME Code for welding procedure qualification and, depends totally for its enforcement on the performance requirements of § 195.214 with regard to stress relieving. All of the welding variables for gas and liquid pipelines being identical, RSPA knows of no unique need for stress relieving under one regulation and not the other, and there have been no safety problems attributable to the absence of stress relieving requirements in Part 195.

Industry welding standards with which RSPA is familiar specify that stress relieving shall be stated in the welding procedure specification and used in qualification of the procedure, although separate guidance may be presented.

The need for stress relieving in § 192.239 is primarily based on the same excessively high carbon and carbon equivalent limits as in § 192.237 for preheating. There is no known circumstance where the requirement would apply. Secondly, paragraph (c) refers to carbon steel pipe with a wall thickness of more than 1¼ inches. RSPA knows of no carbon steel pipe used in pipelines or contemplated for future construction that would have a wall thickness of more than 1¼ inches. Third, the section requires that stress relieving be performed at a minimum temperature of 1,100 degrees F for carbon steels and at least 1,200 degrees F for ferritic alloy steels. Use of these minimum temperatures can result in damaging certain grades of pipe, particularly some controlled-rolled grades and ferritic alloys. Stress relieving can be satisfactorily performed at lower temperatures, as is allowed by the ASME Code. In the view of RSPA, stress relieving is a more complex subject than indicated by the section and would

require considerably more technical guidance than is provided. This guidance is contained in industry standards such as ANSI B31.8, the ASME Code, and American Welding Society publications, and is readily available to operators and to the public. The requirements of § 192.239 are thus incomplete and might inhibit development of the technology within the industry.

Classification

This proposal is considered to be nonmajor under Executive Order 12291 and nonsignificant under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is so minimal that further evaluation is unnecessary. The change proposed is to conform the welding requirements of the gas and hazardous liquid pipeline safety standards with each other.

Regulatory Flexibility Act

Since the impact of this proposal is expected to be minimal, the agency certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects

49 CFR Part 192

Pipeline safety, Welding requirements, Incorporation by reference.

49 CFR Part 195

Pipeline safety, Welding requirements, Incorporation by reference.

In view of the foregoing, RSPA

proposes to amend 49 CFR 192 and 195 as follows:

PART 192—[AMENDED]

1. The authority citation for Part 192 continues to read as follows:

Authority: 49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53 and Appendix A of Part 1.

§ 192.223 [Removed]

2. By deleting § 192.223 in its entirety.

3. By revising § 192.225 to read:

§ 192.225 Welding procedures.

(a) Welding must be performed by a qualified welder in accordance with established written welding procedures that have been tested and the quality of the test welds determined by destructive testing to meet the acceptability standards of this subpart.

(b) Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

4. By deleting paragraph (b) of § 192.227; redesignating the existing paragraph (c) as (b); and by revising paragraph (a) to read:

§ 192.227 Qualification of Welders.

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

* * * * *

§ 192.237 [Removed]

5. By deleting § 192.237 in its entirety.

§ 192.239 [Removed]

6. By deleting § 192.239 in its entirety.

PART 195—[AMENDED]

7. The authority citation for Part 195 continues to read as follows:

Authority: 49 U.S.C. 2002; 49 CFR 1.53 and Appendix A of Part 1.

8. By revising § 195.214 to read:

§ 195.214 Welding: Procedures.

(a) Welding must be performed by a qualified welder in accordance with established written welding procedures that have been tested and the quality of the test welds determined by destructive testing to meet the acceptability standards of this subpart.

(b) Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

§ 195.222 Welding: Qualification of welders.

9. By revising the title of § 195.222 to read as set forth above.

Issued in Washington, D.C., on November 26, 1985 under authority delegated by 49 CFR Part 106, Appendix A.

Robert L. Paullin,

Director, Office of Pipeline Safety.

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