

Proposed Rule Making, MM Docket No. 86-255, adopted June 13, 1986, and released June 26, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

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. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting
Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-14942 Filed 7-1-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 95

[PR Docket No. 86-38; RM-5058]

Creation of a New Consumer Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time.

SUMMARY: This document extends the time to file reply comments in this proceeding through July 30, 1986. This action is being taken to permit those who may file reply comments additional time to review and evaluate the unusually large number of comments in this matter.

DATE: Reply comments may be filed on or before July 30, 1986.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

Order

In the Matter of Creation of a New Consumer Radio Service, PR Docket No. 86-38, RM-5058.

Adopted: June 24, 1986.

Released: June 26, 1986.

By the Chief, Private Radio Bureau.

1. The Land Mobile Radio Section and the Personal Communications Section of the Electronic Industries Association (Petitioners) have filed a Request for Extension of Date to File Reply Comments in response to the *Notice of Inquiry*, 51 FR 5212, February 12, 1986, in this proceeding. The *Notice of Inquiry* required that comments be filed on or before May 30, 1986, and that reply comments be filed on or before June 30, 1986.

2. Petitioners seek a sixty day extension of the reply comment period through September 2, 1986. In support of this request Petitioners stated that they "require additional time to research and study the unusually large quantity of comments which the Commission has received."

3. In the interest of a complete record in this matter, the reply comment period will be extended. The bulk of the comments in this proceeding has been from users and user groups. These sections of the Electronic Industries Association will provide the Commission with valuable insight from the perspective of the industry.

4. We believe, however, that review of the comments in the matter need not take an additional sixty days. Thirty more days should be sufficient for this purpose.

5. Therefore, good cause having been shown, it is ordered, That the Request for Extension of Date to File Reply Comments filed by the Land Mobile Radio Section and the Personal Communications Section of the Electronic Industries Association on June 13, 1986, is granted in part. Reply comments in this matter may be filed on or before July 30, 1986.

6. This action is taken pursuant to the authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended (47 U.S.C. 154 (i) and (j) and 303(r)) and pursuant to the provisions of § 0.131(a) and 0.331 of the Commission's rules (47 CFR 0.131(a) and 0.331).

7. For further information about this matter contact John J. Borkowski at (202) 632-4964.

Federal Communications Commission.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 86-14936 Filed 7-1-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-92; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Exceptions From Nondestructive Testing of Welds in Transmission Line Repair

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed amendment would change the codified rule governing nondestructive testing of girth welds made in the replacement of damaged transmission line segments. The amendment would apply to these girth welds the same exceptions from testing as now apply to girth welds made in the replacement of pipe in transmission lines for reasons other than repair or in the replacement of pipe in other types of pipelines. The exceptions would reduce repair costs and speed completion of repairs in transmission lines.

DATE: Interested persons are invited to submit written comments on this proposal by August 18, 1985. Late filed comments will be considered as far as practical. Interested persons should submit as a part of their written comments all the material that is considered relevant to any statement of fact or argument made.

ADDRESS: Comments should be sent to the Dockets Branch, DHM-53, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Please identify the docket and notice numbers. All comments and docket materials will be available in Room 8426 for inspection and copying between the hours of 8:30 a.m. and 5:00 p.m. each working day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant at Seventh and E Streets.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, (202) 426-2392, regarding the content of this notice, or the Dockets Branch, (202) 426-3148, regarding copies of the notice or other information in the docket.

SUPPLEMENTARY INFORMATION:

Part 192 contains two rules that require nondestructive testing of girth welds. One, § 192.719(a)(2), requires that when a segment of transmission line is

repaired by replacing damaged pipe, "all field girth butt welds that are not strength tested must be tested after installation by nondestructive tests meeting the requirements of § 192.243." Section 192.243 sets forth procedures for nondestructive testing and percentages of welds that must be tested. The Part 192 rule governing strength testing of new and replacement pipelines, § 192.505, applies primarily to pipelines intended to operate at 30 percent or more of specified minimum yield strength (SMYS), although pipelines in certain special situations also must be strength tested. Welds used to tie-in a test segment are excepted from strength testing (§ 192.503(d)). Thus, the nondestructive testing rule in § 192.719(a)(2) affects (1) tie-in welds in repaired transmission line segments that are to operate at 30 percent or more of SMYS, and (2) all welds in repaired transmission line segments intended to operate at hoop stresses below 30 percent of SMYS that are not required to be strength tested.

The second nondestructive testing rule, § 192.241(b), requires all newly made girth welds in steel pipelines that are to operate at a hoop stress of 20 percent or more of SMYS, including pipe replacements, to be nondestructively tested in accordance with § 192.243, with certain exceptions. The excepted welds are those that are visually inspected and approved by a qualified inspector, and (1) located in a pipeline that is less than 6 inches in nominal diameter, or (2) if the welds are so limited in number that nondestructive testing is impractical, located in a pipeline that will be operated at less than 40 percent of SMYS.

By letter of February 7, 1986, the Gas Piping Technology Committee of the American Society of Mechanical Engineers (ASME) petitioned RSPA to exclude from nondestructive testing required by § 192.719(a)(2) the two categories of girth welds that § 192.241(b) excepts from nondestructive testing. The rationale ASME gave for its proposal was that the two exceptions in § 192.241(b) apply to new construction, and there should be "no lessening in safety if they are also applicable to girth welds made during repair." ASME also argued that adding the exceptions would reduce their costs where a nondestructive testing crew is not otherwise needed, although an estimate of potential cost savings was not provided. In addition, ASME pointed out that the latest edition (1982) of the American National Standards Institute B31.8 Code, *Gas Transmission and*

Distribution Piping Systems, allows pipeline operators to apply the subject exceptions to nondestructive testing of girth welds made during repair of transmission lines by pipe replacement.

RSPA had previously addressed the matter of the ASME proposal as it relates to tie-in welds in Interpretation 81-4, dated October 2, 1981. This interpretation is set forth below.

Interpretation 81-4

Question: Do the exceptions from the requirement for nondestructive testing of welds under § 192.241(b) also apply to tie-in welds which must be tested under § 192.719(a)(2)?

Interpretation: This question was addressed first by an interpretation issued January 20, 1971, and again by an interpretation published in Advisory Bulletin 75-11 (November 1975), both of which held that the exceptions do not apply. The rationale was that § 192.719(a)(2) established a specific requirement for nondestructive testing because of the greater need to ensure weld quality when a damaged pipeline segment is replaced. This need was based on the difficulties encountered in making tie-in welds under repair conditions as compared to new pipeline construction.

A review of the history of § 192.719(a)(2) shows no evidence in the record for this initial interpretation. In fact, the record creates a strong inference that the § 192.241(b) exceptions apply equally to nondestructive tests of tie-in welds made either as required by § 192.241 for new construction or by § 192.719(a)(2) for repairs to existing transmission lines.

Section 192.241(b) sets forth two exceptions (for pipe less than 6 inches in diameter and pipe operated at less than 40 percent of SMYS where testing is impractical) from the construction requirement that girth welds on pipelines to be operated at 220 percent or more of SMYS must be nondestructively tested under § 192.243. For the excepted conditions, visual inspection alone is sufficient to qualify a girth weld. In general, § 192.243 governs the procedures of testing and the percentage of welds that must be tested. In addition to the testing requirement of § 192.241(b), which apply to new, replaced, or relocated pipelines, § 192.719(a)(2) provides that any field girth butt weld made by replacing a damaged segment of transmission line but not strength tested (paragraph (a)(2) allows preinstallation strength tests for the replacement pipe), must be nondestructively tested under § 192.243.

Since Part 192 contains two rules, §§ 192.241(b) and 192.719(a)(2), that pertain to testing girth welds on replacement pipe, the one, a general requirement with exceptions and the other, a rule without exceptions specifically directed to replacements made in repair situations, absent any other information, the specific rule would have priority. However, the historical development of these two rules clarifies their apparent conflict.

Section 192.719(a)(2) was adopted in final form essentially as it was proposed in Notice 70-5 (35 FR 5482, April 2, 1970). Likewise, the requirements of § 192.241(b) are essentially as they were proposed in Notice 70-1 (35 FR 1112, January 28, 1970). As noted in both Notice 70-1 and Notice 70-5, the proposed versions of §§ 192.719(a)(2) and 192.719(b) were derived from counterpart standards in the USAS B31.8 Code (1968 ed). In Notice 70-1, the major differences between the B31.8 document and the proposed regulations were said to be for purposes of organization and regulatory language (style and enforceability). No substantive differences were noted between the proposed version of § 192.241(b) and its counterpart in the B31.8 document, section 828.2 (a) and (e). In Notice 70-5, although the previous reference to organizational and regulatory differences was not reported, substantive changes between the B31.8 version of proposed rules and the proposed rules were expressly stated. There were no substantive changes discussed between the proposed version of § 192.719(a)(2) and its counterpart in B31.8, section 851.81.

Section 851.81 of B31.8 stated that nondestructive tests meeting the requirements of section 828 were to be made for all field girth butt welds on replacement segments for damaged pipelines. The relevant provision of this reference 828 was section 828.2, which specified the standards for nondestructive testing. These standards contained exceptions in paragraph (e) for particular pipe, which Notice 70-1 used as a basis for the proposed version of § 192.241(b). The remaining provisions of section 828.2 served as a basis for § 192.243. Thus, B31.8, the exceptions now provided by § 192.241(b) (originally section 828.2(e)) were applicable to the nondestructive testing requirement for damaged pipe under section 851.81. Since the rulemaking notices, Notice 70-1 and 70-5, did not announce any intent to substantively alter these provisions (i.e., the section 851.81 incorporation of section 828.2 exceptions), we must conclude that the current reference in § 192.719(a)(2) to § 192.243 mistakenly omitted the § 192.241(b) exceptions; and, therefore, they apply under Part 192 as they did under B31.8.

It could be argued in opposition to this view that the proposed verbiage of § 192.719(a)(2) clearly omitted any reference to the § 192.241(b) exceptions, showing an intent that they should not be applied. Support for such an argument is as indicated by the prior interpretation, that tie-in welds in repair situations are difficult to make, and thus there is a greater need to ensure the integrity of the welds by testing. This argument is countered, however, first, by the lack of any discussion of such an intent or welding difficulties, which would have amounted to a substantive change, particularly when other substantive changes were highlighted in Notice 70-5, and secondly, by the historic lack of girth weld problems in the small diameter and low stress level pipe to which the § 192.241(b)

exceptions apply. A better explanation for the failure of the proposed version of § 192.719(a)(2) to include the exceptions is that when Notice 70-1, was prepared, the nondestructive testing requirements of section 828.3 of B31.8 were reorganized into the proposed versions of § 192.241(b) and § 192.243. Later, when § 192.719(a)(2) was proposed by Notice 70-5, the original reference in section 851.81 to section 828 was continued, but as § 192.243, without regard for the prior reorganization of section 828 which relocated the paragraph (e) exceptions to § 192.241(b).

A further reason to support this new interpretation of §§ 192.241(b) and 192.719(a)(2) is that tie-in welds made in the replacement of a damaged segment of transmission line (governed by § 192.719(a)(2)) would not be subject to greater stresses than other girth welds made for new construction or in replacing a pipe segment for any other reason (governed by § 192.241(b)). Moreover, the need for the exceptions stated in § 192.241(b) occurs whether girth welds are made in a repair situation or otherwise. In fact, the need for quick action in repair situations, particularly emergencies, in order to maintain gas flow and the lack of readily available nondestructive testing services make the § 192.241(b) exceptions perhaps more important under the requirements of § 192.719(a)(2).

In view of Interpretation 81-4, the ASME proposal, and the exceptions in the B31.8 Code, RSPA believes it is appropriate to apply the same nondestructive testing exceptions to girth welds made in replacing damaged transmission line segments as Part 192 applies to girth welds in new pipelines, including replacement pipe, in general. Therefore, RSPA proposes to amend § 192.719(a)(2) by deleting the existing reference to "§ 192.243" and adding in its place "§ 192.241(b)", and by making associated editorial changes. This proposed amendment would not only incorporate the exceptions ASME requested but also exclude from nondestructive testing all welds in repaired segments to be operated at less than 20 percent of SMYS, since § 192.241(b) does not apply to these low stress level welds. This additional exclusion would not be significant, however, because most transmission lines operate above 20 percent of SMYS. With the addition of these exceptions, the nondestructive testing rule in § 192.719(a)(2) would affect (1) tie-in welds in repaired transmission line segments 6 inches or more in nominal diameter that are to operate at 40 percent or more of SMYS, and (2) all welds in repaired transmission line segments 6 inches or more in nominal diameter intended to operate at hoop stresses of at least 20 percent but less than 40 percent of SMYS that are not so limited in number that nondestructive

testing is impractical and that are not required to be strength tested.

Classification

Since this proposed rule will have a positive effect on the economy of less than \$100 million a year, will result in cost savings to consumers, industry, and government agencies, and no adverse impacts are anticipated, the proposed rule is not "major" under Executive Order 12291. Also, it is not "significant" under Department of Transportation procedures (44 FR 11034). RSPA believes that the proposed rule will reduce the costs of repairing damaged transmission lines by reducing the number of occasions nondestructive testing is required by the current rule. However, this savings is not expected to be large enough to warrant preparation of a Draft Regulatory Evaluation.

Based on the facts available concerning the impact to this rulemaking action, I certify pursuant to section 605 of the Regulatory Flexibility Act that the action will not, if adopted as final, have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 192

Pipeline safety, Welds, Nondestructive testing, Replacement.

PART 192—[AMENDED]

In consideration of the above, RSPA proposes to amend Part 192 of Title 49 of the Code of Federal Regulations as follows:

1. The authority citation for Part 192 continues to read as set forth below:

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

2. Section 192.719(a)(2) would be revised to read as follows:

§ 192.719 Transmission lines: Testing of repairs.

(a) * * *

(2) The test required by paragraph (a)(1) of this section may be made on the pipe before it is installed, but all field girth butt welds that are not strength tested must be nondestructively tested after installation in accordance with § 192.241(b).

* * * * *

Issued in Washington, D.C., on June 27, 1986, under authority delegated by 49 CFR Part 106, Appendix A.

Robert L. Paullin,

Director, Office of Pipeline Safety.

[FR Doc. 86-14919 Filed 7-1-86; 8:45 am]

BILLING CODE 4910-01-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 86-04; Notice 1]

Federal Motor Vehicle Safety Standards; Seating Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Federal Motor Vehicle Safety Standard No. 207, *Seating Systems*, to remove an unnecessary restriction. The standard requires most folding seats to be equipped with a self-locking device for restraining the hinged or folding seat back and with a specific control, such as a knob, lever, push button, etc., for releasing that restraining device. The purpose of the latter requirement is to ensure that the restraining device can be released to enable occupants seated behind such seats to exit the vehicle. The requirement is worded so it applies to a folding or hinged seat regardless of whether anyone can sit behind that seat. The agency believes that this requirements is unnecessarily restrictive and is therefore proposing an amendment to make it clear that a specific control would not be required if there are no seats behind the folding seat.

DATE: Comments must be received on or before September 2, 1986. The proposed amendment would become effective 30 days after publication of a final rule in the *Federal Register*.

ADDRESSES: Comments should refer to the docket and notice numbers and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Guy Hunter, Office of Vehicle Safety Standards, NRN-12, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Section S4.3 of Standard No. 207 requires hinged or folding occupant seats or occupant seat backs, with some exceptions, to be equipped with a self-locking device for restraining the hinged or folding seat or seat back and a specific control for releasing that restraining device. The purpose of the requirement for the self-locking device is to reduce the forces acting on an occupant of the seat in an accident by preventing the seat or seat