

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, Mass Media Bureau.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 191, 192, 193, and 195

[Docket No. PS-96; Notice 1]

Reporting Unsafe Conditions on Gas and Hazardous Liquid Pipelines and Liquefied Natural Gas Facilities

AGENCY: Office of Pipeline Safety (OPS), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Operators of gas pipelines and associated liquefied natural gas (LNG) facilities and hazardous liquid pipelines would be required to report unsafe conditions in addition to the incidents or accidents they currently are required to report. These new reporting requirements were mandated by the 99th Congress in the pipeline safety authorization act for fiscal year 1987, Pub. L. 99-516 (October 22, 1986). The reports are intended to prevent known unsafe conditions from going uncorrected by prompting government intervention, if needed, to avoid the occurrence of an incident or accident.

DATES: Interested persons are invited to submit written comments in duplicate before close of business on November 9, 1987. Late filed comments will be considered to the extent practicable. However, because of a statutory deadline, final rules will be issued soon after the due date for comments. Therefore, OPS urges commenters not to delay in making their submissions.

ADDRESS: Send comments to the Dockets Unit, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice number stated in the heading of this notice. All comments and docketed material will be available for inspection

and copying in Room 8426 between 8:30 a.m. and 5:00 p.m. each business day.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, (202) 366-2392, regarding the subject matter of this notice, or the Dockets Unit, (202) 366-5046, for copies of this notice or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

Section 3 of Pub. L. 99-516 directs the Secretary of Transportation to issue regulations requiring operators of gas and hazardous liquid pipeline facilities (other than operators of master meter systems) to report certain unsafe conditions, and to provide for discovery of such conditions in their inspection and maintenance plans.

More specifically, the following new reporting requirements were added to section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (NGPSA) (49 App. U.S.C. 1672(a)):

(3) Not later than 12 months after the date of the enactment of this paragraph, the Secretary shall issue regulations requiring each person who operates pipeline facilities, not including master meters, to report to the Secretary—

(A) any condition that constitutes a hazard to life or property, and

(B) any safety-related condition that causes or has caused a significant change or restriction in the operation of pipeline facilities.

Reports submitted under this paragraph shall be in writing and shall be received by the Secretary within 5 working days after any representative of a person subject to the reporting requirements of this paragraph first determines that such condition exists. Notice of any such condition shall concurrently be supplied to appropriate State authorities.

In conjunction with these new reporting requirements, Section 13 of the NGPSA (49 App. U.S.C. 1680) was amended by adding the following requirement concerning inspection and maintenance plans: "Such plan[s] shall include terms designed to enhance the ability to discover safety-related conditions described in section 3(a)(3)."

Substantially identical amendments were made respectively to Section 203(a) and Section 210 of the Hazardous Liquid Pipeline Safety Act of 1979 (HLPESA) (49 App. U.S.C. 2002(a) and 2009).

Currently, operators of gas pipeline facilities are required by regulations issued under the NGPSA (49 CFR Part 191) to report "incidents." Under these "incident" reporting requirements, operators must telephonically notify OPS of (1) each release of gas or liquefied natural gas (LNG) that involves a death, hospitalization, or property

damage of \$50,000 or more, (2) each emergency shutdown of an LNG facility, and (3) and other event the operator deems significant. Except for master meter systems and LNG facilities, follow-up written reports are also required. Regulations issued under the HLPESA for operators of hazardous liquid pipelines contain similar reporting requirements for pipeline "accidents" that involve releases of hazardous liquids (49 CFR Part 195, Subpart B).

Under current requirements, therefore, practically all the "incidents" and "accidents" reported to OPS involve releases of gas or hazardous liquid that have had serious or potentially serious consequences. Unsafe conditions that may be precursors of these events are not required to be reported. Pub. L. 99-516 changes this situation by mandating that operators also be required to report conditions that potentially could cause "incidents" or "accidents."

Administrative Discretion

Because the statutory language broadly describes the conditions to be reported, Pub. L. 99-516 allows the Secretary discretion to determine, through the issuance of regulations, precisely what conditions are to be reported and under what circumstances. Greater specificity is in fact necessary to avoid overlapping the existing "incident" and "accident" reporting requirements, to eliminate unnecessary reporting of events that do not meet the intent of the law, and to establish a clear, uniform basis for enforcement. Providing for enforcement is important because operators who fail to submit reports as required will be liable for civil and criminal penalties under Section 11 of the NGPSA (49 App. U.S.C. 1679 a or Section 208 of the HLPESA (49 App. U.S.C. 2007)).

Legislative History

For insight into the conditions Congress thought should be reported under Pub. L. 99-516, OPS has looked at the situation that led the House Committee on Energy and Commerce to include the new reporting requirements in the fiscal year 1987 pipeline authorization bill, H.R. 4426, which was the forerunner of Pub. L. 99-516. In a short period, a single interstate gas operator had suffered three major pipeline incidents in Kentucky. An investigation of one incident revealed that an employee had discovered a seriously corroded area that eventually failed. However, the employee's internal report of the matter was not acted on promptly. The Committee apparently reasoned that, had there been a legal

obligation to report the corrosion condition to the government, the information might have prompted government intervention in time to assure correction and thus avoid the eventual major incident. (132 Cong. Rec. H6935).

The legislative history of Pub. L. 99-516 in the Senate is consistent with this reasoning. It indicates that the purpose of the reports is to permit State and Federal pipeline inspection officials to review the reported information and investigate the problem to assure that appropriate remedial action is taken. (132 Cong. Rec. 515587).

To avoid a flood of routine reports, however, operators were expected to disclose only "glaring, hazardous conditions which might, if left to linger, constitute an imminent danger," or "potentially cause an incident." (132 Cong. Rec. H6935).

Additional information about the conditions to be reported is contained in "Pipeline Safety Reauthorization," a report by the House Committee on Energy and Commerce to accompany H.R. 4426 (H.R. Rept. 99-779, Part 1, 99th Cong., 2d Sess., 10). The Committee indicated that the reports are for "near accident" or "severe" conditions that are not subject to reporting under 49 CFR Part 191 (and by implication Part 195), and not for "routine replacement, repair or other types of maintenance."

Specifying Reportable Conditions

OPS is proposing that operators report hazardous and other safety-related conditions that occur on pipelines and those LNG facilities that are used to control, process or contain gas or LNG. (See proposed §§ 191.23(a) and (b) and 195.55(a) and (b)). As defined in Parts 191 and 195, "pipelines" are physical facilities through which gas or hazardous liquid moves in transportation, including such things as pipe, valves, compressors, pumps, regulator stations, and liquid breakout storage tanks. Under Part 191 and 49 CFR Part 193, "LNG Facilities" are pipeline facilities used for liquefying or solidifying natural or synthetic gas or transferring, storing or vaporizing liquefied natural gas in conjunction with the pipeline transportation of gas. Among the pipeline facilities to which the Department's safety standards in 49 CFR Parts 192, 193 and 195 apply, OPS believes that "pipelines" and those "LNG Facilities" used to control, process, or contain gas or LNG are the most likely sources of "near accidents."

In determining precisely what conditions should be reported, OPS has considered many conditions that arguably could meet the statutory test of

"hazard to life or property." However, OPS is bound by the Paperwork Reduction Act of 1980 (44 U.S.C. Chap. 35) "to minimize the federal paperwork burden" and to "maximize the usefulness of information collected." Therefore, in light of these precepts, and the Congressional intent for reporting, OPS is proposing under §§ 191.23(a)(1)-(7) and 195.55(a)(1)-(6) that only the most severe reasonably identifiable hazardous conditions be reported, subject to the limitations discussed hereafter. Based on its pipeline safety experience, OPS believes these conditions are the ones most apt to result in imminent danger.

Some of these proposed hazardous conditions may fall into the second statutory category of conditions to be reported, "safety-related" conditions that result in a "significant change or restriction in operation." This second category includes conditions characterized by pressure reduction or shutdown occurring either as a direct consequence of the condition or as part of the operator's response to the condition. Therefore, OPS is additionally proposing under §§ 191.23(b) and 195.55(b) that any safety-related condition resulting in reduced operating pressure or shutdown be reported, subject to the limitations discussed hereafter. Since Congress intended that this reporting requirement apply to conditions that could lead to an imminent hazard, the proposed rule only would apply to such safety-related conditions.

Limitations on Reporting

Based on the legislative history, OPS is proposing three limitations on reporting. First, because the reports are intended to identify precursors of gas "incidents" or liquid "accidents," reports would not be required for conditions that are reportable "incidents" or "accidents" or subsequently develop into reportable "incidents" or "accidents" before the condition report must be filed. (See proposed §§ 191.23(c)(2) and 195.55(c)(2)). Since by statute reports of conditions are to be filed within 5 (Federal) working days after their discovery, if on the third day, for example, an unsafe condition were to turn into an "incident" or "accident" requiring a separate report, the condition report need not be filed. This provision would minimize duplicate reporting.

Operators, of course, would have to keep in mind the actual time needed to file a condition report. This generally will mean mail time or time for overnight delivery to assure receipt by

the Secretary before close of business on the 5th day, in addition to the time needed for company processing. As a practical matter, therefore, an "incident" or "accident" would have to occur substantially before the filing deadline for operators to avoid filing both a condition report and a subsequent "incident" or "accident" report.

Secondly, the legislative history strongly indicates that the purpose of the condition reports is to incite government action in time to prevent unsafe conditions from turning into an "incident" or "accident." Therefore, OPS has reasoned that the reports are not to be mere vehicles for data collection, but in effect, warning notices of severe conditions requiring prompt corrective action and government attention to assure that such action is taken. Viewing the reports in this light means there is no need for operators to file reports after prompt corrective action has been taken, unless the condition involves corrosion or the corrective action constitutes a "significant change or restriction in the operation" of the pipeline (see discussion below). Consequently, reports would not be required for conditions other than corrosion that are corrected by permanent repair or replacement before the deadline for filing the condition report. (See proposed §§ 191.23(c)(4) and 195.55(c)(3)). Thus, if after discovering a reportable condition other than corrosion, an operator effects a permanent repair or replacement within 5 (Federal) working days, no report is required. This provision should eliminate a large amount of the potential reporting burden and stimulate operators to promptly correct known unsafe conditions. Again, operators would have to keep in mind the time needed to file a report in judging whether permanent repair or replacement would be completed before the deadline.

Conditions involving corrosion, as described by §§ 191.23(a)(1) and 195.55(a)(1), would have to be reported within 5 working days of discovery regardless of repair or replacement. An exception is not proposed for these conditions, because the existence of corrosion in one location can indicate a more extensive problem in the aggregate that warrants governmental attention.

Making an unsafe condition safe solely by pressure reduction or shutdown (not in conjunction with prompt repair or replacement) would not qualify for an exception from reporting, because Pub. L. 99-516 specifically requires that any safety-related condition that causes a significant

change or restriction in operation be reported. However, OPS does not consider temporary pressure reduction or shutdown in conjunction with prompt permanent repair or replacement of a safety-related condition to be a "significant" change or restriction in operation for which reports are required by the statute.

Finally, OPS recognizes the potential for confusion and dispute over whether the circumstances surrounding particular conditions on pipelines threaten "imminent danger," or are otherwise severe enough to warrant filing a report. Therefore, the proposed reporting requirements have been founded on the assumption that when a specified unsafe or safety-related condition is discovered within a railroad or public road right-of-way, or within 220 yards of any building intended for human occupancy or outdoor place of assembly, the danger is sufficient to make the condition reportable. (The approximate limit of the hazard zone in one of the Kentucky incidents was 200 yards, and 220 yards is a dimension of the class location unit under § 192.5.) As proposed in §§ 191.23(c)(3) and 195.55(c)(1), no reports would be required for pipeline conditions found outside such areas. For offshore pipelines, this provision would have the effect of limiting reports to conditions near or on certain platforms and shores. Conditions relating to LNG facilities would be reportable regardless of location because of the greater potential for disaster posed by unsafe conditions proximate to LNG storage tanks.

Alternatively, OPS invites comment on whether the specified conditions for gas and liquid pipelines should be reported regardless of location, even when they occur in remote areas. If adequate justification is presented, the proposed exception under §§ 191.23(c)(3) and 195.55(c)(1) may be deleted in the final rule.

Other Proposed Rules and Amendments

In Part 191, the proposed reporting requirements would be added at the end of the existing rules, with minor word changes to the title of the part and the scope section. By contrast, many of the existing reporting requirements of Part 195 would be revised editorially to distinguish "accident" reporting from "unsafe condition" reporting. In addition to specifying the conditions to be reported, the proposed reporting requirements also set forth, in §§ 191.25 and 195.56, the format and content of the reports. A report form is not considered appropriate because of the descriptive nature of the information to be provided. Further, under §§ 191.7 and 195.58 the

addressee for written reports would be amended to require concurrent filing with appropriate State agencies in keeping with the statutory mandate. Amendments are also being proposed to §§ 192.605, 193.2605, and 195.402 to implement the statutory requirements that operators adopt plans to enhance the discovery of safety-related conditions.

Effective Date

As provided by the NGPSA and the HLPSA, new regulations normally take effect 30 days after publication. OPS believes, however, that because this is the first instance of reporting conditions that are precursors to incidents and accidents, operators will need more than 30 days to revise their operating plans, instruct personnel, and otherwise prepare for compliance. Therefore, OPS is proposing that the final rules not become effective until 90 days after publication. More time is not considered necessary given that new reporting requirements are mandatory and that operators may use the time between publication of this notice and the final rule to take preliminary steps toward compliance.

Paperwork Reduction Act

This proposed rulemaking contains information collection requirements in the following sections: §§ 191.7, 191.23, 191.25, 192.605, 193.2605, 195.55, 195.56, 195.58, and 195.402. These requirements will be submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. Chap. 35). Persons desiring to comment on these information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW, Washington DC 20503, Attention: Desk Officer, Research and Special Programs Administration (RSPA). Persons submitting comments to OMB are also requested to submit a copy of their comments to RSPA as indicated above under ADDRESS.

Impact Assessment

This notice is considered to be nonmajor under E.O. 12291 and is a significant rule under DOT procedures (44 FR 11034) because it implements a safety statute passed in response to serious pipeline accidents. The impact of these proposed rules is not considered large enough to warrant production of a draft economic evaluation.

The proposed reporting requirements are estimated to add less than 2 percent to the existing paperwork burden

imposed on pipeline operators. OPS specifically requests commenters to address the number of reports they believe would be filed under the proposed rule, and the amount of time, on average, they estimate it would take to prepare those reports. OPS believes that the added burden should be minimal for several reasons: First, except for conditions involving corrosion, operators would have 5 working days after discovery to correct an unsafe condition and thereby avoid reporting it. OPS believes most of the proposed unsafe conditions can be returned to safety within the time frame. Secondly, the reporting burden for conditions taking a longer period for corrective action should be offset to some extent by a reduction in the burden of reporting an "incident" or "accident," since the purpose of the condition reports is to prevent these events from happening. Although the number of unsafe conditions that operators normally would correct after 5 working days before they become "incidents" or "accidents" cannot be estimated precisely, in OPS's experience it should be minimal. Finally, reports would not be required for the numerous small master meter operators or for pipelines located outside certain populated areas.

Because operators are currently required to prepare operations and maintenance plans, which have as their objective the prevention of unsafe conditions, OPS believes that the proposed minor changes to regulations affecting the existing plans should be of minimal impact.

Based on the facts available about the impact of 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

49 CFR Part 191

Pipeline safety, Gas, Reporting and recordkeeping requirements

49 CFR Part 192

Pipeline safety, Gas, Operation, Maintenance

49 CFR Part 193

LNG facility, Operation, Maintenance

49 CFR Part 195

Pipeline safety, Hazardous liquids, Reporting and recordkeeping requirements, Operation, maintenance

In consideration of the foregoing, OPS proposes to amend 49 CFR Parts 191, 192, 193, and 195 as follows:

PART 191—[AMENDED]

1. The authority citation of Part 191 is revised to read as follows:

Authority: 49 App. U.S.C. 1681(b) and 1808(b); §§ 191.23 and 191.25 also issued under 49 App. U.S.C. 1672(a); and 49 CFR 1.53.

2. The title of Part 191 would be revised to read as follows:

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL REPORTS, INCIDENT REPORTS, AND UNSAFE CONDITION REPORTS

§ 191.1 [Amended]

3. In § 191.1(a), immediately after the word "incidents" the following would be added: "unsafe conditions."

4. Section 191.7 would be revised to read as follows:

§ 191.7 Addressee for written reports.

Each written report required by this part must be made to the Information Resources Manager, Office of Pipeline Safety, U.S. Department of Transportation, Washington, DC 20590. However, incident and annual reports for intrastate pipeline transportation subject to the jurisdiction of a State agency pursuant to a certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968 may be submitted in duplicate to that State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt for incident reports and not later than March 15 for annual reports to the Information Resources Manager. Unsafe condition reports required under § 191.23 for intrastate pipeline transportation must be submitted concurrently to that State agency, and if that agency acts as an agent of the Secretary with respect to interstate transmission facilities, unsafe condition reports for these facilities must be submitted concurrently to that agency.

5. Section 191.23 would be added to read as follows:

§ 191.23 Reporting unsafe conditions.

(a) Except as provided in paragraph (c) of this section, each operator shall report in accordance with § 191.25 the existence of any of the following hazardous conditions involving facilities in service:

(1) General or localized corrosion on a pipeline that operates at a hoop stress of

20 percent or more of its specified minimum yield strength requiring pipe replacement or reduction in operating pressure.

(2) Unintended movement or abnormal loading by environmental causes, such as an earthquake, landslide, or flood, that impairs the structural integrity of a pipeline or the structural integrity or reliability of an LNG facility that contains, controls, or processes gas or LNG.

(3) Any crack or other material defect that impairs the structural integrity of a pipeline or the structural integrity or reliability of an LNG facility that contains, controls, or processes gas or LNG.

(4) Physical damage to a pipeline that operates at a hoop stress of 20 percent or more of its specified minimum yield strength, such as a dent or gouge.

(5) Pressurization of a pipeline or LNG facility that contains or processes gas or LNG above its relief capacity.

(6) A leak in pipeline or LNG facility that contains or processes gas or LNG which, taking into account its severity, requires prompt repair.

(7) Inner tank leakage, ineffective insulation, or frost heave that impairs the structural integrity of an LNG storage tank.

(b) Except as provided in paragraph (c) of this section, each operator shall report in accordance with § 191.25 the existence of any safety-related condition, in addition to those listed in paragraph (a) of this section, that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator) a reduction in operating pressure or shutdown of operation of a pipeline or an LNG facility that contains or processes gas or LNG.

(c) A report is not required for any unsafe condition that—

(1) Exists on a master meter system;

(2) Is an incident or results in an incident before the unsafe condition report must be filed;

(3) Exists on pipelines outside any railroad or public road right-of-way, or more than 220 yards from any building intended for human occupancy or outdoor place of assembly; or

(4) Except for a condition under paragraph (a)(1) of this section, is corrected by permanent repair or replacement before the deadline for filing the unsafe condition report.

6. Section 191.25 would be added to read as follows:

§ 191.25 Filing unsafe condition reports.

(a) Each report required by § 191.23 must be filed (received by the Secretary)

in writing within 5 working days (not including Saturday, Sunday, or Federal holidays) after the day a representative of the operator discovers the condition that must be reported. Separate conditions may be described in a single report if they are closely related.

(b) The report must be headed "Unsafe Condition Report" and provided the following information:

(1) Name and principal address of operator.

(2) Date of report.

(3) Name, job title, and business telephone number of person submitting the report.

(4) Name and job title of person who discovered the condition.

(5) Date condition was discovered.

(6) Location of condition, with reference to nearest street address, station number, or landmark.

(7) Description of the condition, including circumstances leading to its discovery and any significant effects of the condition on safety.

(8) The corrective action taken (including reduction of pressure or shutdown) before the report is submitted and the planned followup or future corrective action, including the anticipated schedule for starting and concluding such action.

PART 192—[AMENDED]

7. The authority citation for Part 192 is revised to read as follows:

Authority: 49 App. U.S.C. 1672 and 1804; 49 CFR 1.53.

8. Section 192.605 would be amended by adding a new paragraph (f) and the introductory text of this section is republished to read as follows.

§ 192.605 Essentials of operating and maintenance plan.

Each operator shall include the following in its operating and maintenance plan:

* * * * *

(f) Instructions enabling personnel who perform operation and maintenance activities to recognize the hazardous and other safety-related conditions that are subject to the reporting requirements of § 191.23 of this subchapter.

PART 193—[AMENDED]

9. The authority citation for Part 193 is revised to read as follows:

Authority: 49 App. U.S.C. 1671 *et seq.*; 49 CFR 1.53.

10. Section 193.2605 would be amended by adding a new paragraph (c) to read as follows:

§ 193.2605 Maintenance procedures.

(c) Each operator shall include in the manual required by paragraph (b) of this section instructions enabling personnel who perform operation and maintenance activities to recognize the hazardous and other safety-related conditions that are subject to the reporting requirements of § 191.23 of this subchapter.

PART 195—[AMENDED]

11. The authority citation for Part 195 is revised to read as follows:

Authority: 49 App. U.S.C. 2002; and 49 CFR 1.53.

12. The title of Subpart B of Part 195 would be revised to read as follows:

Subpart B—Reporting Accidents and Unsafe Conditions

13. The introductory text and title of § 195.50 would be revised to read as follows:

§ 195.50 Reporting accidents.

An accident report is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid transported resulting in any of the following.

14. Section 195.54 would be revised to read as follows:

§ 195.54 Accident reports.

(a) Each operator that experiences an accident that is required to be reported under § 195.50 shall as soon as practicable, but not later than 30 days after discovery of the accident, prepare and file an accident report on DOT Form 7000-1, or a facsimile.

(b) Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000-1, it shall file a supplemental report within 30 days.

15. Section 195.55 would be added to Subpart B to read as follows:

§ 195.55 Reporting unsafe conditions.

(a) Except as provided in paragraph (c) of this section, each operator shall report in accordance with § 195.56 the existence of any of the following hazardous conditions involving pipelines in service:

(1) General or localized corrosion requiring pipe replacement or reduction in operating pressure.

(2) Unintended movement or abnormal loading of a pipeline by environmental causes, such as an earthquake, landslide, or flood, that impairs its structure integrity.

(3) Any crack of other material defect in a pipeline that impairs its structural integrity.

(4) Physical damage to a pipeline, such as a dent or gouge.

(5) Pressurization of a pipeline above its relief capacity.

(6) A leak in a pipeline which, taking into account its severity, requires prompt repair.

(b) Except as provided in paragraph (c) of this section, each operator shall report in accordance with § 195.56 the existence of any safety-related condition, in addition to those listed in paragraph (a) of this section, that could lead to an imminent hazard and causes (either directly or indirectly by remedial action of the operator) a reduction in operating pressure or shutdown of operation of a pipeline.

(c) A report is not required for any unsafe condition that—

(1) Exists outside any railroad or public road right-of-way, or more than 220 yards from any building intended for human occupancy or outdoor place of assembly;

(2) Is an accident that is required to be reported under § 195.50 or results in such an accident before the unsafe condition report must be filed; or

(3) Except for a condition under paragraph (a)(1) of this section, is corrected by permanent repair or replacement before the deadline for filing the unsafe condition report.

16. Section 195.56 would be added to Subpart B to read as follows:

§ 195.56 Filing unsafe condition reports.

(a) Each report required by § 191.55 must be filed (received by the Secretary) in writing within 5 working days (not including Saturday, Sunday, or Federal holidays) after the day a representative of the operator discovers the condition that must be reported. Separate conditions may be described in a single report if they are closely related.

(b) The report must be headed "Unsafe Condition Report" and provide the following information:

(1) Name and principal address of operator.

(2) Date of report.

(3) Name, job title, and business telephone number of person submitting the report.

(4) Name and job title of person who discovered the condition.

(5) Date condition was discovered.

(6) Location of condition, with reference to nearest street address, station number, or landmark.

(7) Description of the condition, including circumstances leading to its discovery and any significant effects on the condition on safety.

(8) The corrective action taken (including reduction of pressure or shutdown) before the report is submitted and the planned followup or future corrective action, including the anticipated schedule for starting and concluding such action.

17. Section 195.58 would be revised to read as follows:

§ 195.58 Addressee for written reports.

Each written report required by this subpart must be made to the Information Resources Manager, Office of Pipeline Safety, U.S. Department of Transportation, Washington, DC 20590. However, accident reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to a certification under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 may be submitted in duplicate to that State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt to the Information Resources Manager. Unsafe condition reports required under § 195.55 for Intrastate pipelines must be submitted concurrently to that State agency, and if that agency acts as an agent of the Secretary with respect to interstate pipelines, unsafe condition reports for these pipelines must be submitted concurrently to that agency.

18. Section 195-402 would be amended by adding a new paragraph (f) to read as follows:

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

(f) *Unsafe condition reports.* The manual required by paragraph (a) of this section must include instructions enabling personnel who perform operation and maintenance activities to recognize the hazardous and other safety-related conditions that are subject to the reporting requirements of § 195.55.

Issued in Washington, DC on September 21, 1987.

Richard L. Beam,

Director, Office of Pipeline Safety.

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