

See 47 CFR 1.1204(b) 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.

Steve Kammer,

Deputy Chief, Policy and Rules Division,  
Mass Media Bureau.

[FR Doc. 88-14812 Filed 6-30-88; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 192 and 195

[Docket No. PS-95; Notice 2]

RIN: 2137-AB24

#### Gas and Hazardous Liquid Pipelines; Referenced Standards Deletion Affecting Iron, Steel, and Copper Pipe and Other Materials

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

**ACTION:** Notice of proposed rulemaking  
(NPRM).

**SUMMARY:** This notice proposes deleting references to certain voluntary design and construction standards concerning cast iron, ductile iron, wrought steel, and wrought iron pipe; electric resistance welded coiled steel tubing; copper pipe and tubing; well casing, tubing and drill pipe; bronze flanges; and other materials. The references are no longer needed for safety because the materials have minimal or no usage in new gas and hazardous liquid pipelines. Deletion of references to these standards would not prevent the use of these materials in new pipelines or as replacement parts in existing pipelines if the materials meet applicable general safety requirements. This action would significantly reduce the number of voluntary standards that are now incorporated by reference in Parts 192 and 195 and the burden of keeping these references up-to-date.

**DATE:** Interested persons are invited to submit written comments on this notice by August 15, 1988. Late filed comments will be considered to the extent practicable. All persons must submit as part of their written comments all of the material that they consider relevant to any statement of fact made by them.

**ADDRESS:** Comments should identify the docket and notice numbers and be

submitted in duplicate to the Dockets Unit, Room 8417, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. 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:** Paul J. Cory, (202) 366-4561, regarding content of this notice or the Dockets Unit, (202) 366-4148, regarding copies of this notice or other material in the docket.

**SUPPLEMENTARY INFORMATION:** OPS issued an Advance Notice of Proposed Rulemaking (ANPRM) published June 4, 1987 (52 FR 21087), that invited comment on the advisability of deleting references in Part 192 to 15 voluntary design and construction standards of the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), and the American Petroleum Institute (API). OPS had determined that the references may no longer be needed for materials that have minimal usage in new construction of gas pipelines and deleting the references would minimize the effort required to update to current editions all the Part 192 references to voluntary standards. These 15 voluntary standards are applicable to cast iron, ductile iron, wrought steel, and wrought iron pipe; electric resistance welded coiled steel tubing; copper pipe and tubing; well casing, tubing, and drill pipe; copper pipe; and bronze flanges. The ANPRM lists each of these 15 voluntary standards and gives OPS's arguments for deleting references to them in Part 192. Deleting the references would, in most cases, involve revising individual Part 192 sections that directly reference a voluntary standard, or deleting the reference from that section when the section has meaning apart from the reference. In other cases, references are expressed indirectly by referring to a "listed specification," which Part 192 defines as a voluntary standard listed in section I of Appendix B of Part 192. Deleting these references would require either revising the section involved or deleting one or more voluntary standards from Appendix B. When a reference to a voluntary standard is proposed to be deleted from either the Part 192 section involved or Appendix B, the designation of the standard would also be deleted from Appendix A, which lists all the voluntary standards incorporated by reference in Part 192.

### Summary of Comments to the ANPRM

In response to the ANPRM, there were 41 comments. Commenters included four state pipeline safety regulatory agencies, four industry organizations, 23 gas distribution operators, and 10 gas transmission operators. Thirty-one of these comments agreed with deleting all references proposed for deletion in the ANPRM. Those that did not favor such action are discussed hereafter.

Several commenters argued that references to voluntary standards for materials not frequently used in new construction should, nevertheless, be retained because the standards are used in judging the safety of existing installations.

OSP disagrees. The acceptability of pipe or a component manufactured according to a referenced standard is judged against the edition of the standard referenced in part 192 at the time the pipe or component was manufactured, not necessarily the latest edition of the referenced standard. For instance, to evaluate a polyethylene plastic pipeline made of pipe that was manufactured in 1977, it would be necessary to use ASTM D2513-1974a edition. This edition was incorporated by reference in Part 192 at the time the pipe was manufactured, while currently Part 192 references the 1981 edition. Deleting a reference to a voluntary standard has no effect on the acceptability of materials installed previously that were manufactured to that standard. Thus, retaining references to voluntary standards for materials not currently being installed in gas pipelines is not needed to determine whether existing pipelines comply with Part 192.

The following discussion gives the disposition of the references to 15 voluntary standards that the ANPRM proposed no longer be referenced in Part 192:

#### 1. ANSI A21.1, "Thickness Design of Cast Iron Pipe" (formerly ANSI C101)

There were no negative comments on the proposal to delete the references to ANSI A21.1. Therefore, § 192.117, "Design of cast iron pipe," would be removed, and in § 192.557, "Uprating \* \* \*," paragraph (d)(1) would be revised to delete the reference to ANSI C101 and to reflect removal of § 192.117.

#### 2. ANSI A21.11, "Rubber Gasket Joints for Ductile Iron and Grey Iron Pressure Pipe and Fittings"

There were no negative comments on the proposal to delete the reference to ANSI A21.11 in paragraph (a) of § 192.277, "Ductile iron pipe." Because this paragraph includes another

reference which OPS is proposing to delete (see *ANSI A21.52* below) as well as the reference to *ANSI A21.11*, OPS proposes to remove § 192.277(a) in its entirety.

**3. *ANSI A21.50, "Thickness Design of Ductile Iron Pipe"***

There were no negative comments on the proposal to delete the references to *ANSI A21.50*. Therefore, paragraph (a) of § 192.119, "Design of ductile iron pipe," would be removed. Under item 4 below, OPS also is proposing to remove paragraph (b) of § 192.119. In § 192.557, "Uprating: \* \* \*," paragraph (d)(1) would be revised to reflect removal of § 192.119 and to delete the reference to *ANSI A21.50*.

**4. *ANSI A21.52, "Ductile Iron Pipe, Centrifugally Cast in Metal Molds, or Sand Lined Molds for Gas"***

Two operators and one industry association took exception to deletion of the references to *ANSI A21.52* in § 192.57 (listed specification), § 192.119(b), and § 192.277(a). They said ductile iron pipe would be installed were it not for DOT's position that it is subject to the corrosion control requirements of § 192.455, and that research could prove that these requirements are not necessary for ductile iron pipe. When the original corrosion control requirements in Subpart I of Part 192 were published on June 30, 1971, no persuasive arguments were given for excluding ductile iron pipe from the requirements of § 192.455. In fact, research conducted just prior to that time indicated the corrosion resistance of grey iron, ductile iron, and carbon steel is similar for identical exposure conditions. OPS has no new data that would change the original conclusion that corrosion protection is equally justified for grey iron, ductile iron, and carbon steel pipelines in underground installations. Therefore, the comment is not considered adequate justification for withdrawing the OPS proposal in the ANPRM to delete references to *ANSI A21.52* or to other voluntary standards relating to ductile iron.

Therefore, paragraph (b) of § 192.119, "Design of ductile iron pipe," would be removed; and the reference to *ANSI A21.52* would be deleted from § 192.277(a). Also, § 192.57, "Cast iron or ductile iron pipe," would be removed. The ANPRM proposed to remove only § 192.57 (a) and (b)(2), which reference *ANSI A21.52* as a "listed specification." However, the remaining provisions of § 192.57, which concern used pipe, would be of little benefit because used cast iron pipe and used ductile iron pipe are rarely installed in new construction.

In the rare cases when used pipe is installed in new construction, the general material requirements of § 192.53 would apply. Also, see *ASTM A377* below for further discussion of removing § 192.57 in its entirety.

**5. *ASTM A377, "Standard Specifications for Gray Iron and Ductile Iron Pipe"***

There were no negative comments on the proposal to delete from § 192.57 (a) and (b)(2) the reference to *ASTM A377* as a "listed specification."

Section 192.57 would be removed entirely because, as discussed above with regard to *ANSI A21.50*, the portion of § 192.57 not in paragraphs (a) and (b)(2) would be of little benefit.

**6. *ANSI B16.1, "Cast Iron Pipe Flanges and Flanged Fittings"***

One operator objected to deleting the reference to *ANSI B16.1* in paragraph (e) of § 192.275, "Cast iron pipe," because cast iron pipe flanges and flanged fittings are still used to install flanged valves, regulators, and similar components with bodies made of cast iron.

As a result of this comment, OPS investigated further and determined there is widespread use of cast iron flanges on valves, regulators, and similar components. For this reason, OPS is not proposing to revise § 192.275(e) as suggested in the ANPRM. However, because § 192.275(e) relates only to cast iron flanges; this paragraph would be moved to § 192.147, "Flanges and flange accessories," and be designated as paragraph (c).

**7. *ANSI B36.10, "Wrought Steel and Wrought Iron Pipe"***

There were no negative comments on the proposal to delete the reference to *ANSI B36.10* in § 192.279, "Copper pipe," for purposes of determining the thicknesses of standard wall pipe. In the ANPRM, OPS suggested that performance language be substituted for the reference, although none was proposed and none was suggested by commenters. However, *ANSI B16.5, "Steel Pipe Flanges, Flanged Fittings"* (referenced in § 192.147), provides a source comparable to *ANSI B36.10* for standard wall pipe thicknesses, and it could be referenced for that purpose in § 192.279(a) in lieu of *ANSI B36.10*. Therefore, in § 192.279(a) the designation "ANSI B36.10" would be deleted and replaced with "ANSI B16.5."

**8. *API 5A, "API Specification for Casing, Tubing, and Drill Pipe"***

There were no negative comments on the proposal to delete the reference to *API 5A*. Therefore, in paragraph (b)(1) of

§ 192.177, "Additional provisions for bottle type holders," the reference to *API 5A* would be deleted.

**9. *ASTM A539, "Standard Specification for Electric Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines"***

One state, one industry organization, and one pipeline operator opposed deleting from § 192.55 the reference to *ASTM A539* as a "listed specification" for qualifying the use of electric resistance welded coiled steel tubing (X-Trube). They said X-Trube steel would be used if it were available at a competitive price. The industry association said it thought X-Trube is still being installed.

After further investigation, OPS has determined that X-Trube is not being manufactured for use in gas pipelines. Although OPS believes steel tubing manufactured to meet *ASTM A539* is satisfactory for use in gas systems, since the material is not being used in new construction, there is no need to maintain *ASTM A539* as a "listed specification." In the event that an operator wishes to use X-Trube, the material may be qualified for use by demonstrating that it meets the requirements of § 192.53, "General," and the requirements of § 192.55 for steel pipe of an unlisted specification. Therefore, OPS proposes to delete from § 192.55 the reference to *ASTM A539* as a "listed specification" by deleting "ASTM A539" from Section I of Appendix B of Part 192.

Items 10 through 14 are discussed following Item 14.

**10. *ASTM B42, "Standard Specification for Seamless Copper Pipe, Standard Sizes"***

**11. *ASTM B68, "Standard Specification for Seamless Copper Tube, Bright Annealed"***

**12. *ASTM B75, "Standard Specification for Seamless Copper Tube"***

**13. *ASTM B88, "Standard Specification for Seamless Copper Water Tube"***

**14. *ASTM B251, "Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube"***

Two pipeline operators and two state regulatory agencies objected to deletion of the references to voluntary standards for copper pipe and tubing. Under § 192.61, "Copper pipe," *ASTM B42*, *ASTM B68*, *ASTM B75*, *ASTM B88*, and *ASTM B251* are each a "listed specification" for qualifying copper pipe; and *ASTM B88* is referenced in paragraph (b) of § 192.125, "Design of

copper pipe," to specify minimum wall thicknesses for copper service lines. These comments indicate there may be no more than eight gas distribution operators who use copper pipe and tubing in new construction.

With so few operators using copper pipe and tubing out of the approximately 1,500 gas distribution utilities in the U.S., OPS is proposing to remove § 192.61 to delete references to voluntary standards for qualifying copper pipe and tubing. Even if § 192.61 is removed as proposed, copper pipe and tubing in new construction would still be subject to the general safety requirements of § 192.53 governing qualification of materials. The reference to *ASTM B88* in § 192.125(b) would be deleted and replaced with a table of minimum wall thicknesses for Type L copper tubing taken from Table 3 of *ASTM B88*.

**15. ANSI B16.24, "Bronze Pipe Flanges and Flanged Fittings"**

There were no negative comments on the proposal to delete the reference to *ANSI B16.24* from § 192.147, "Flanges and flange accessories." Therefore, because bronze flanged pipe and fittings are no longer being installed in gas piping, the reference to *ANSI B16.24* would be deleted from § 192.147(a).

**Other Referenced Standards**

In the ANPRM, OPS asked commenters to identify any other voluntary standards referenced in Parts 192, 193, and 195 not mentioned in the ANPRM that pertain to little used materials. There were eight comments that recommended deleting references to nine other voluntary standards. These comments stated that certain API and ASTM standards were no longer being used, and that references to certain standards of the Manufacturer's Standardization Society of the Valve and Fittings Industry (MSS) were not necessary for pipeline safety.

The following table gives the designation of each of these voluntary standards and the reference source:

*API 6A*, "API Specification for Wellhead Equipment", § 192.145

*ASTM A134*, "Standard Specification for Electric-Fusion (Arc) Welded Steel Plate Pipe, Sizes 16 Inch and Over", §§ 192.55 (listed specification), 192.113, 195.106

*ASTM A135*, "Standard Specification for Electric-Resistance Welded Steel Pipe", *ibid.*

*ASTM A139*, "Standard Specification for Electric-Fusion (Arc) Welded Steel Pipe, Sizes 4 Inch and Over", *ibid.*

*ASTM A211*, "Standard Specification for Spiral-Welded Steel or Iron Pipe", *ibid.*

*MSS SP-25*, "Standard Marking System for Valves, Fittings, Flanges and Unions", § 192.63

*MSS SP-70*, "Cast Iron Gate Valves, Flanged and Threaded Ends", § 192.145

*MSS SP-71*, "Cast Iron Swing Check Valves, Flanged and Threaded Ends", *ibid.*

*MSS SP-78*, "Cast Iron Plug Valves", *ibid.*

OPS believes that pipe specifications *ASTM A134*, *ASTM A135*, *ASTM A139*, and *ASTM A211* are no longer being used to manufacture pipe intended to transport gas or hazardous liquids. Therefore, OPS is proposing to delete each of these voluntary standards as a "listed specification" under § 192.55, "Steel pipe," and to delete references to them from the tables in § 192.113, "Longitudinal joint factor (E) for steel pipe," and § 195.106, "Internal design pressure."

OPS is aware that *API 6A*, *MSS SP-25*, *MSS SP-70*, *MSS SP-71*, and *MSS SP-78* are still being used for materials in gas pipelines. However, OPS believes that many of the requirements included in these voluntary standards may not be needed for pipeline safety, although they may provide standardization that makes construction easier. Therefore, in lieu of referencing these voluntary standards, OPS is proposing that § 192.63, "Marking of materials," and § 192.145, "Valves," be amended to provide appropriate safety requirements set forth hereafter as adapted from language in the MSS standards.

**Impact Assessment**

The proposal is considered to be nonmajor under Executive Order 12291 and not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034). Deleting references to voluntary standards that are no longer needed for pipeline safety would have a minimal economic effect and a Draft Regulatory Evaluation is not warranted. Based on the facts available concerning the impact on 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. OPS has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 (52 FR 41685), and has determined that it does not have sufficient federalism implications to warrant the preparation of a Federal Assessment.

**List of Subjects**

**49 CFR Part 192**

Cast iron pipe, Ductile iron pipe, Cooper pipe, Flanges.

**49 CFR Part 195**

Pipeline safety, Design pressure, Specification.

In view of the above, OPS proposes to amend Parts 192 and 195 of Title 49 of the Code of Federal Regulations as follows:

**PART 192—(AMENDED)**

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

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

**§ 192.57 [Removed and Reserved]**

2. Section 192.57 would be removed and reserved.

**§ 192.61 [Removed and Reserved]**

3. Section 192.61 would be removed and reserved.

4. Section 192.63(a) would be revised to read as follows:

**§ 192.63 Marking of materials.**

(a) Except as provided in paragraph (e) of this section, each valve, fitting, length of pipe, and other component must be marked—

(1) As prescribed in the specification or standard to which it was manufactured; or

(2) To indicate size, type, manufacturer, model, pressure rating, and temperature rating.

**§ 192.113 [Amended]**

5. In the table in § 192.113, the entries for the following specifications would be removed: "ASTM A134," "ASTM A135," "ASTM A139," and "ASTM A211."

**§ 192.117 [Removed and Reserved]**

6. Section 192.117 would be removed and reserved.

**§ 192.119 [Removed and Reserved]**

7. Section 192.119 would be removed and reserved.

8. Section 192.125(b) would be revised to read as follows:

**§ 192.125 Design of copper pipe.**

(b) Copper pipe used in service lines must be Type "L" with wall thickness not less than that indicated in the following table:

Standard size (inch)	Nominal O.D. (inch)	Wall Thickness (inch)	
		Nominal	Tolerance
½	0.625	0.040	.0035
⅝	.750	.042	.0035
¾	.875	.045	.004
1	1.125	.050	.004
1¼	1.375	.055	.0045
1½	1.625	.060	.0045

9. In § 192.145, paragraph (a) would be revised, paragraphs (b) through (d) would be redesignated as (c) through (e), respectively, and a new paragraph (b) would be added as follows:

**§ 192.145 Valves.**

(a) Except for cast iron valves, each valve must meet the minimum requirements, or the equivalent, of API 6D. A valve may not be used under operating conditions that exceed the applicable pressure temperature ratings contained in those requirements.

(b) Each cast iron valve must comply with the following:

(1) The valve must have a maximum service pressure rating for temperatures that equal or exceed the maximum service temperature.

(2) The valve must be tested prior to painting, as part of the manufacturing, as follows:

(i) With the valve in the fully open position, the shell must be tested with no leakage to a pressure that for plug valves is at least 2.00 times the maximum service pressure rating, and for gate valves or swing check valves is at least 1.75 times the maximum service pressure rating.

(ii) After the shell test, the seat must be tested to a pressure not less than the maximum service pressure rating. Except for swing check valves, test pressure during the seat test must be applied successively on each side of the closed valve with the opposite side open. No visible leakage is permitted.

(iii) After the last pressure test is completed, the valve must be operated through its full travel to demonstrate freedom from interference.

10. Section 192.147 would be amended by revising paragraph (a) and adding paragraph (c) to read as follows:

**§ 192.147 Flanges and flange accessories.**

(a) *General requirements.* Each flange or flange accessory (other than cast iron) must meet the minimum requirements of ANSI B16.5, MSS SP-44, or the equivalent.

(c) Each flange on a flanged joint in cast iron pipe must conform in

dimensions and drilling to ANSI B16.1 and be cast integrally with the pipe, valve, or fitting.

**§ 192.177 [Amended]**

11. In § 192.177(b)(1), the words "either API Standard 5A or" would be removed.

**§ 192.275 [Amended]**

12. Section 192.275(e) would be removed.

**§ 192.277 [Amended]**

13. In § 192.277, paragraph (a) would be removed and paragraphs (b) and (c) would be redesignated as (a) and (b), respectively.

14. Section 192.279 would be revised to read as follows:

**§ 192.279 Copper pipe.**

Copper pipe may not be threaded, except that copper pipe used for joining screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of Schedule 40 or heavier wall pipe listed in Table C1 of ANSI B16.5.

15. Section 192.557(d)(1) would be revised and the introductory text to paragraph (d) is republished to read as follows:

**§ 192.557 Upgrading: Steel pipelines to a pressure that will produce a hoop stress less than 30 percent of SMYS: plastic, cast iron, and ductile iron pipelines.**

(d) If records for cast iron or ductile iron pipeline facilities are not complete enough to determine stresses produced by internal pressure, trench loading, rolling loads, beam stresses, and other bending loads, the following procedures must be followed:

(1) In estimating the stresses, if the original laying conditions cannot be ascertained, the operator shall assume that cast iron pipe was supported on blocks with tamped backfill and that ductile iron pipe was laid without blocks with tamped backfill.

**Appendix A to Part 192—[Amended]**

16. Section II of Appendix A to Part 192 would be revised by removing items (1) and (2) from subdivision A; items (3), (4), (5), (9), (12), (14), (15), (16), (17), (18), and (19) from subdivision B; items (1), (2), (3), (6), (7), and (8) from subdivision C; and items (1), (3), (4), and (5) from subdivision E. The remaining items in each subdivision would be renumbered in appropriate sequence.

**Appendix B to Part 192—[Amended]**

17. Section I of Appendix B to Part 192 would be revised by removing the

following entries: "ASTM A134—Steel pipe (1974)," "ASTM A135—Steel pipe (1975)," "ASTM A139—Steel pipe (1974)," "ASTM A211—Steel and iron pipe (1975)," "ASTM A377—Cast iron pipe (1979)," "ASTM A539—Steel tubing (1979)," "ASTM B42—Copper pipe (1980)," "ASTM B68—Copper tube (1980)," "ASTM B75—Copper tube (1980)," "ASTM B88—Copper tubing (1980)," "ASTM B251—Copper tube (1976)," and "ANSI A21.52—Ductile iron pipe (1971)."

**PART 195—[AMENDED]**

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

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

**§ 195.106 [Amended]**

19. In the table in § 195.106(e), the entries for the following specifications would be removed: "ASTM A134," "ASTM A135," "ASTM A139," and "ASTM A211."

Issued in Washington, DC, on June 27, 1988.

Richard L. Beam,

Director, Office of Pipeline Safety, Research and Special Programs Administration.

[FR Doc. 88-14760 Filed 6-30-88; 8:45-am]

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**INTERSTATE COMMERCE COMMISSION**

**49 CFR Parts 1105 and 1152**

[Ex Parte No. 274 (Sub-Nos. 8 and 10A)]

**Environmental Compliance; Out-of-Service Rail Line Exemptions**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission invites comments on draft rules set forth below to codify its recently announced policy<sup>1</sup> of routinely staying the effectiveness of out-of-service class exemptions where an informed decision on pending environmental issues (whether raised by a party or by the Commission's Section of Energy and Environment in its independent investigation of the effects of abandonment on the environment and energy consumption) cannot be made prior to the time the exemption authority would otherwise become effective. The purpose of this proposal is to assure the Commission's full and timely consideration of environmental issues in

<sup>1</sup> See exemption of Out-Of-Service Rail Lines, 4 I.C.C.2d 400 (1988).

individual out-of-service abandonment proceedings, consistent with requirements of the National Environmental Policy Act and other environmental statutes.

**DATE:** Comments are due on August 1, 1988.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245, TDD for hearing impaired (202) 275-1721

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. A copy of the full decision is available from the Office of the Secretary, Room 2215, Interstate Commerce Commission Building, Washington, DC 20423, [(202) 275-7428]. (Assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., Room 2229 at Commission Headquarters.)

Implementing this proposal would not have a significant adverse effect on the quality of the human environment or energy conservation because it involves rail lines that have provided no local service for at least 2 years, and that would have been used only for overhead traffic that would be rerouted.

It is certified that, for the same reasons, this proposal, if adopted, would have no significant impact on small businesses.

**List of Subjects**

*49 CFR Part 1105*

Environmental impact statements, Reporting and record keeping requirements.

*49 CFR Part 1152*

Administrative practice and procedure, Environmental protection, National resources, Railroads, Reporting and record keeping requirements.

**Authority:** 5 U.S.C. 553 and 559; 42 U.S.C. 4332; and 49 U.S.C. 10321, 10505, 10903 and 10904.

Decided: June 24, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lambolely.

**Kathleen M. King,**

*Acting Secretary.*

Title 49, Subtitle B, Chapter X, Parts 1105 and 1152 of the Code of Federal Regulations are proposed to be amended as follows:

**PART 1105—GUIDELINES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969**

1. The authority citation for 49 CFR Part 1105 would continue to read as follows:

**Authority:** 49 U.S.C. 10321, 10505, 10903 — 10908; 16 U.S.C. 1247(d); 42 U.S.C. 4332; and 5 U.S.C. 553 and 559.

2. Section 1105.10 is proposed to be amended by adding a new paragraph (g)(3) to read as follows:

**§ 1105.10 Commission procedures and public involvement.**

(g) \* \* \*

(3) In out-of-service rail line abandonment exemption proceedings under 49 CFR 1152.50, the Commission

will stay the effective date of individual notices of exemption when an informed decision on pending environmental issues cannot be made prior to the date that the exemption authority would otherwise become effective.

**PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES IN RAIL TRANSPORTATION UNDER 49 U.S.C. 10903**

3. The authority citation for 49 CFR Part 1152 would continue to read as follows:

**Authority:** 5 U.S.C. 553, 559, and 704; 11 U.S.C. 1170; 16 U.S.C. 1247(d); and 49 U.S.C. 10321, 10362, 10505, and 10903 *et seq.*

4. Section 1152.50 is proposed to be amended by redesignating paragraphs (d)(4) and (5) as paragraphs (d)(5) and (6) and by adding a new paragraph (d)(4) to read as follows:

**§ 1152.50 Exempt abandonments and discontinuances of service and trackage rights.**

(d) \* \* \*

(4) In out-of-service rail line abandonment exemption proceedings under 49 CFR 1152.50, the Commission will stay the effective date of individual notices of exemption when an informed decision on pending environmental issues cannot be made prior to the date that the exemption authority would otherwise become effective.

(FR Doc. 88-14855 Filed 6-30-88; 8:45 am)

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