

generalized language in their regulations pertaining to modeling. EPA has determined that Colorado, Utah and Wyoming will utilize the "Guidelines on Air Quality Models (Revised)," (1986) EPA 450/2-78-027R, Supplement A (1987), and any future revisions or supplements to the revised Guidelines, when reviewing PSD permits.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of the Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another notice will begin rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective September 1, 1989.

EPA finds good cause for making the action taken in this notice immediately effective because the implementation plan revisions are already in effect under State law or regulation and EPA's approval poses no additional regulatory burden.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 1, 1989. This action may not be challenged later in proceedings to enforce its requirement [see Act section 307(b)(2)].

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control.

Date: June 15, 1989.

Jack McGraw,

Acting for the Regional Administrator.

Part 52 Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7462.

Subpart G—(Colorado)

2. Section 52.343 is amended by adding paragraph (c) as follows:

§ 52.343 Significant deterioration of air quality.

* * * * *

(c) The State of Colorado has clarified the generalized language contained in the Colorado Air Quality Control Regulations on the use of "applicable air quality models." In a letter to Douglas M. Skie, EPA, dated May 19, 1989, Bradley J. Beckham, Director of the Air Pollution Control Division stated:

* * * All PSD permits reviewed by the Division will use the revised modeling guideline mentioned above [Guideline on Air Quality Models (Revised), EPA 450/2-78-027R including Supplement A (July 1987)] for determining if the air quality models, data bases, and other requirements are generally approved by EPA. Any future revisions (including appendices or supplement) will be incorporated into the Division's protocol for reviewing modeling for PSD permits.

Subpart TT—(Utah)

3. Section 52.2346 is amended by adding paragraph (c) as follows:

§ 52.2346 Significant deterioration of air quality.

* * * * *

(c) The State of Utah has clarified the generalized language contained in the Utah Air Conservation Regulations on the use of the "Guidelines on Air Quality Models." In a letter to Douglas M. Skie, EPA, dated May 26, 1989, F. Burnell Cordner, Director of the Bureau of Air Quality stated:

* * * The language in section 3.7 of the Utah Air Conservation Regulations on the use of "Guidelines on Air Quality Models" means that all PSD permit reviews will comply with the use of the "Guideline on Air Quality Models (Revised)", EPA 450/2-78-027R, and any future supplements approved by EPA.

Subpart ZZ—(Wyoming)

4. Section 52.2630 is amended by adding paragraph (c) as follows:

§ 52.2630 Prevention of significant deterioration of air quality.

* * * * *

(c) The State of Wyoming has clarified the generalized language contained in section 24 of the Wyoming Air Quality Standards and Regulations on the use of the "Guidelines for Air Quality Models." In a letter to Douglas M. Skie, EPA, dated May 18, 1989, Charles A. Collins, Administrator of the Air Quality Divisions stated:

* * * The Division, will, as a matter of practice, utilize the "Guideline on Air Quality Models" as revised, including Supplement A, in all PSD permit application reviews. The Division will utilize any future revisions to the Guideline in PSD permitting reviews as revisions become effective.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192, 193, and 195

[Docket No. PS-108, Amdt. No. 192-64, 193-6, and 195-41]

RIN 2137-AB68

Incorporation by Reference of Portions of American Petroleum Institute Standard 1104, Seventeenth Edition, 1988

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Final rule.

SUMMARY: This amendment updates to the 17th edition (1988) the existing incorporation by reference in the Federal pipeline safety standards of the American Petroleum Institute (API) Standard 1104, "Standard for Welding Pipelines and Related Facilities." The amendment makes no significant substantive change to those standards, but requires operators to use applicable provisions of the latest published edition of API Standard 1104.

EFFECTIVE DATE: This final rule becomes effective August 2, 1989.

FOR FURTHER INFORMATION CONTACT: Lloyd Ulrich, (202) 366-1640 regarding changes on safety standards, or the Dockets Unit, (202) 366-5046 for copies of this final rule or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

RSPA's safety standards for pipelines transporting gas or hazardous liquids and for LNG facilities incorporate by reference certain requirements of API Standard 1104. The gas pipeline safety standards in Part 192 incorporate by reference sections 3 and 6 of API Standard 1104 as standards for welder qualification (§§ 192.227 and 192.229) and section 6 as a weld acceptability standard (§ 192.241). In Part 193, which governs LNG facilities, certain welding procedures and welders must be qualified under API Standard 1104

(§ 193.2313), and certain weld defects and weld repair must meet API Standard 1104 criteria (§ 193.2321). With regard to the hazardous liquid pipeline safety standards in Part 195, section 3 of API Standard 1104 is referenced for welder qualification (§ 195.222), and the acceptability of welds must be determined under section 6 (§ 195.228).

The 1980 edition (15th edition) of API Standard 1104 is the latest edition referenced in Parts 192 and 195 as indicated by the listing in Appendix A to Part 192 and the listing in § 195.3. In Part 193, the 14th edition (1977) is the latest referenced, as indicated by Appendix A to Part 193. These editions have been superseded by the 17th edition (1988).

The following compares applicable provisions of the 17th edition with editions now referenced:

Section 2, concerning the qualification of welding procedures, has three revisions. The first clarifies that grinding is covered by the procedural requirement governing weld cleaning. The second clarifies that the width of tensile test specimens is not a precise dimension and may be approximately 1 inch. Finally, a clearer description is provided of acceptable bend test results.

The revisions to section 3 are minimal, and do not significantly affect the technological aspects of this welder qualification section. One revision specifically clarifies that for single qualification, a welder can make a butt weld either in the rolled or in the fixed position. Another revision to section 3 clarifies that a welder who passes a single qualification butt weld test in the fixed position with the axis inclined 45° from the horizontal plane is qualified to do butt welds in all positions.

Section 6, which provides acceptance standards for weld defects, was reorganized to eliminate possible confusion over which of the weld acceptance standards apply to each method of nondestructive testing: radiography, magnetic particle liquid penetrant, ultrasonic, and visual. A possible interpretation of the previous section 6 was that all the acceptance standards applied to all the methods of nondestructive testing, whereas methods other than radiography are incapable of detecting all the defects covered by the standards.

The only change to section 7, concerning the repair and removal of weld defects, adds a cross reference to the Appendix-Alternative Acceptance Standards for Girth Welds, which is not covered by this rulemaking, as discussed below.

On November 30, 1988, API petitioned RSPA to update to the 17th edition (1988) the references to API Standard 1104 P-38). API requested that in updating these references operators be permitted to use a fracture mechanics model set forth in an Appendix to the document as an alternative girth weld acceptance standard. The petition contains a report on the results of research API conducted to address safety concerns RSPA previously had raised about use of the model.

RSPA has reviewed API's petition, but believes that the fracture mechanics model cannot be adopted as a Federal alternative weld acceptance standard without first providing an opportunity for public comment. Thus, the Appendix to the 17th edition is the subject of a notice of proposed rulemaking scheduled for publication later this year.

The present rulemaking is intended to update to the 17th edition, except for the Appendix, the references to applicable provisions of API Standard 1104 in Parts 192, 193, and 195. Parts 192 and 195 refer to sections 3 and 6 of API Standard 1104, and these sections do not cross reference the Appendix. For these parts, the update is accomplished merely by adding "1988" in the place of "1980" in the appropriate listing in Appendix A to Part 192 and in § 195.3. In Part 193, applicable provisions of API Standard 1104 are not referenced by section number. Thus, for the Part 193 update, section II D.2. of Appendix A to Part 193 is being amended to except the Appendix to the 17th edition. As a result, where section 7 of the 17th edition of API Standard 1104 cross references the Appendix as an alternative method to dispose of weld cracks, this method is not permitted under Part 193.

Because incorporation by reference of applicable provisions of the 17th edition of API Standard 1104 would not make any significant changes to any of the substantive requirements of Parts 192, 193, and 195, RSPA has determined that notice and public procedure are unnecessary. Therefore, in accordance with 5 U.S.C. 553, the amendment is final.

The amendment will have an effect on the economy of less than \$100 million a year, will result in a cost savings to consumers and industry, and will have no adverse effects. Hence, this action is not considered "major" under Executive Order 12291; nor is it "significant" under DOT procedures.

RSPA has analyzed this action in accordance with the principles and criteria contained in Executive Order

12612 and has determined that it does not have sufficient federalism implications to warrant preparing a Federalism Assessment.

List of Subjects

49 CFR Part 192

Incorporation by reference, Pipeline safety, Steel pipe, Welding.

49 CFR Part 193

Incorporation by reference, LNG facilities, Pipeline safety, Welding, Tests.

49 CFR Part 195

Incorporation by reference, Pipeline safety, Steel pipe, Welding.

In consideration of the foregoing, Parts 192, 193, and 195 of Title 49 of the Code of Federal Regulations are amended 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; and 49 CFR 1.53.

Appendix A—[Amended]

2. In section II.A. of Appendix A, of Part 192 item (8) is amended by removing "(1980)" and adding in its place "(17th edition, 1988)."

PART 193—[AMENDED]

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

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

Appendix A [Amended]

4. In Section II.D. of Appendix A to Part 193, item 2 is amended by removing "(14th edition, 1977)" and adding in its place "(17th edition, 1988, except the Appendix)."

PART 195—[AMENDED]

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

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

§ 195.3 [Amended]

6. Section 195.3(c)(1)(ii) is amended by removing "(1980)" and adding in its place "(17th edition, 1988)."

Issued in Washington, DC on June 26, 1989.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

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