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List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73—[AMENDED]

The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Texas, by adding Amarillo, Channel 289A and Claude, Channel 239A.

Karl A. Kensinger,

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

[FR Doc. 89-18328 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-619; RM-6477 and RM-6728]

Radio Broadcasting Services; Ridge, Maryland and White Stone, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 261A to White Stone, Virginia, in response to a counterproposal filed by Radio El Barco Blanco. The coordinates for Channel 261A are 37-38-00 and 76-17-45, which include a site restriction 8.5 kilometers east of the community. The original petition, filed by Keith A. Mayo and Chih Ping Mayo, requested the allotment of Channel 261A to Ridge, Maryland. The petition was withdrawn by the Mayos on March 24, 1989. With this action, this proceeding is terminated.

DATES: Effective September 15, 1989; The window period for filing applications for Channel 261A at White Stone, Virginia will open on September 18, 1989, and close on October 18, 1989.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-619, adopted July 11, 1989, and released August 1, 1989. 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Virginia to add White Stone, Channel 261A.

Federal Communications Commission.

Karl Kensinger,

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

[FR Doc. 89-18312 Filed 8-4-89; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 190, 191, and 195

[Docket No. PS-109; Amdt. No. 190-2, 191-7, and 195-42]

RIN 2137-AB70

Transportation of Gas and Hazardous Liquids by Pipeline; Reporting Safety-Related Conditions; Discovery of Conditions by Smart Pigs; Enforcement Rules

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Final rule.

SUMMARY: This final rule document makes clarifying changes (without imposing new burdens) to recently established reporting requirements regarding safety-related conditions, and states agency policy regarding discovery of those conditions by smart pigs. In addition, the pipeline safety enforcement procedures are modified to reflect statutory changes authorizing increased civil penalties for violations and specific criminal penalties for destruction of signs or markers.

EFFECTIVE DATE: This final rule with respect to Parts 191 and 195 takes effect August 7, 1989. The changes to Part 190 are effective as of October 31, 1988.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, (202) 366-2392.

SUPPLEMENTARY INFORMATION:

Reporting Safety-Related Conditions: Rule Changes

In accordance with section 3 of Pub. L. 99-516, RSPA issued regulations requiring operators of gas and hazardous liquid pipeline facilities subject to 49 CFR Parts 192, 193, and 195 to (1) report to RSPA and State agencies the existence of certain safety-related conditions on pipelines in service, and (2) add to their operating and maintenance procedures instructions that enable personnel to recognize potentially reportable conditions. (53 FR 24942; July 1, 1988). The regulations require operators to file written reports of the conditions "within 5 working days * * * after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition." (§§ 191.25(a) and 195.56(a)).

Since publication of the reporting regulations, RSPA has acquired additional telefacsimile, or fax, equipment to receive copies of printed material transmitted by telephone. Many operators wish to file their written safety-related condition reports by telefacsimile. RSPA believes that this filing method could reduce the reporting burden in view of the brief periods allowed for reporting. Therefore, RSPA has dedicated fax equipment to the receipt of safety-related condition reports on a 24-hour basis. The telephone number for use of the fax equipment has been added to §§ 191.25(a) and 195.56(a).

The regulations require operators to describe the precise location of the condition being reported. Of the reports received thus far, some have provided such detail as the milepost, but have not indicated in which State and city, town, or county the condition exists. Therefore, §§ 191.25(b)(6) and 195.56(b)(6) are revised to assure that these critical factors in describing location are provided.

The regulations also require operators to provide a general description of the safety-related condition being reported. This description should include the name of the commodity transported or stored to indicate the nature of the hazard involved. However, many operators have not included this information in their reports. Therefore, the name of the commodity has been specifically included in the description required by §§ 191.25(b)(7) and 195.56(b)(7). In the case of a hazardous liquid pipeline that currently carries

more than one commodity, the name of each commodity is required.

Interpretation and Statement of Policy Regarding Discovery of Safety-Related Conditions by Smart Pigs and Instructions to Personnel

Because the 10-day time period for reporting begins to run when an operator's representative "discovers" a potentially reportable condition, several operators have asked RSPA to explain when discovery occurs in connection with the use of internal inspection devices, or smart pigs. Following a pig run, one or more parts of the pipeline that correspond to anomalies in the data collected are excavated and physically examined to calibrate the data. This calibration provides a basis for evaluating any remaining anomalies. The operators want to know at what step in this process RSPA considers discovery of a potentially reportable condition to occur. Does discovery occur upon initial detection of an anomaly, upon evaluation of an anomaly after calibration, or when the part of the pipeline that corresponds to a calibrated anomaly is physically examined?

Discovery of a potentially reportable condition occurs when an operator's representative has adequate information from which to conclude the probable existence of a reportable condition. An operator would have adequate information for each anomaly that is physically examined. Absent physical examination, discovery may occur after the data are calibrated if the "adequate information" test is met. However, the adequacy of the information that pig data provide about anomalous conditions is contingent on a concurrent indication from a number of factors from which an operator could conclude the probable existence of a reportable condition. Among these are the sophistication of the pig being used, the reliability of the data, the accuracy of data interpretation, and any other factors known by the operator relative to the condition of the pipeline.

Operators using smart pigs must consider these factors in developing the instructions that are included in their operating and maintenance procedures under §§ 192.605(f) and 195.402(f). These instructions are to enable personnel to recognize potentially reportable conditions, including, when appropriate, recognizing conditions from pig data.

Because pig performance and operating conditions vary, RSPA cannot precisely predict the circumstances under which discovery will occur solely by analysis of calibrated data before excavation of the suspected part of the pipeline. However, RSPA and State

agency enforcement personnel will look carefully at operators' instructions regarding data produced by the smart pigs in service in conjunction with other available data to see whether the instructions are consistent with reasonable conclusions that can be drawn from that data.

Change in Penalties

Sections 106 and 205 of the Pipeline Safety Reauthorization Act of 1988 (Pub. L. 100-561, October 31, 1988) increases the maximum amounts of civil penalties assessable under the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671 *et seq.*) ("NGPSA") and the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001 *et seq.*) ("HLPESA"). The maximum penalties, which apply to violations of the NGPSA and the HLPESA and any regulation (including those in 49 CFR Parts 191, 192, 193, 195, and 199) or order issued under those statutes, were increased from \$1,000 to \$10,000 per violation for each day the violation persists, and from \$200,000 to \$500,000 for any related series of violations. Therefore, RSPA is amending its regulations in Part 190 governing the assessment of civil penalties to reflect these statutory changes. The regulations are amended further to clarify that the violations to which the civil penalties apply are those determined by the agency.

In addition, sections 107 and 206 of Pub. L. 100-561 make identical amendments to the NGPSA and the HLPESA, establishing specific criminal penalties for any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by Federal law or regulation. Line markers for gas and hazardous liquid pipelines are required under 49 CFR Parts 192 and 195. Therefore, RSPA is amending its regulations in Part 190 that specify applicable criminal penalties to include the new penalties regarding destruction of signs or markers.

Paperwork Reduction Act

The existing reporting requirements of §§ 191.23, 191.25, 195.55, and 195.56 have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (OMB approval number 2137-0578). The reporting burden estimate submitted to OMB that provided a basis for that approval is not materially affected by this final rule. Therefore, RSPA has not submitted additional information to OMB for further approval under the Act.

Notice Not Required

This final rule facilitates reporting of safety-related conditions by telefacsimile, and clarifies existing generalized requests for information (§ 191.25(b)(6) and (7) and § 195.56(b)(6) and (7)). These rule changes do not add new burdens to the existing regulations or otherwise substantially modify those requirements. For these reasons, notice and opportunity to comment on these changes are unnecessary, and the rule changes are final, effective upon publication. Additionally, the two changes to part 190 modify agency rules of practice and procedure. The Administrative Procedure Act does not require prior notice of such modifications. Because these changes reflect statutory amendments already in effect, they are effective as of the date of enactment of the statute.

Impact Assessment

This final rule is considered nonmajor under E.O. 12291, and it is not significant under DOT procedures. The economic impact of this final rule is not large enough to warrant production of a detailed economic evaluation.

Federalism

This final rule has been analyzed under E.O. 12612, and RSPA has determined it does not warrant preparation of a Federalism Assessment.

List of Subjects

49 CFR Part 190

Pipeline safety, Penalty, Enforcement procedures.

49 CFR Part 191

Pipeline safety, Gas, Reporting and recordkeeping requirements.

49 CFR Part 195

Pipeline safety, Hazardous liquids, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA amends 49 CFR Parts 190, 191, and 195 as follows:

PART 190—[AMENDED]

1. The authority citation for Part 190 is revised to read as follows:

Authority: 49 App. U.S.C. 1672, 1677, 1679a, 1679b, 1680, 1681, 1804, 2002, 2006, 2007, 2008, 2009, and 2010; 49 CFR 1.53.

2. Section 190.223(a) is revised to read as follows:

§ 190.223 Maximum penalties.

(a) Any person who is determined to have violated a provision of the NGPSA or the HLPESA or any regulation or order issued under either of those Acts, is subject to a civil penalty not to exceed \$10,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed \$500,000 for any related series of violations.

3. Section 190.229 is amended by redesignating paragraph (d) as (e) and adding a new paragraph (d) to read as follows:

§ 190.229 Criminal penalties generally.

(d) Any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by the NGPSA, the HLPESA, or the HMTA, or any regulation or order issued thereunder shall, upon conviction, be subject, for each offense, to a fine of not more than \$5,000, imprisonment for a term not to exceed 1 year, or both.

PART 191—[AMENDED]

4. The authority citation for Part 191 continues to read as follows:

Authority: 49 App. U.S.C. 1681(b) and 1608(b); §§ 191.23 and 191.25 also issued under 49 App. U.S.C. 1672(a); and 49 CFR 1.53.

5. Section 191.25(a) is amended by adding the following as the last sentence: "To file a report by telefacsimile (fax), dial (202) 472-1666."

6. In § 191.25(b), paragraphs (b) (6) and (7) are revised to read as follows:

§ 191.25 Filing safety-related condition reports.

(b) Location of condition, with reference to the State (and town, city, or county) or offshore site, and as appropriate, nearest street address, offshore platform, survey station number, milepost, landmark, or name of pipeline.

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

PART 195—[AMENDED]

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

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

8. Section 195.56(a) is amended by adding the following as the last sentence: "To file a report by telefacsimile (fax), dial (202) 472-1666."

9. In § 195.56(b), paragraphs (b) (6) and (7) are revised to read as follows:

§ 195.56 Filing safety-related condition reports.

(6) Location of condition, with reference to the State (and town, city, or county) or offshore site, and as appropriate nearest street address, offshore platform, survey station number, milepost, landmark, or name of pipeline.

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

Issued in Washington, DC on July 28, 1989.

Travis P. Dungan,
Administrator, Research and Special Programs Administration.

[FR Doc. 89-18113 Filed 8-4-89; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Parts 192 and 195

[Docket No. PS-110; Amdt. 192-65 and 195-43; Docket No. PS-95; Amdt. 192-62 Correction]

RIN 2137-AB 69 and 2137-AB 24

Pipeline Safety; Steel Pipe

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Final rule and correction.

SUMMARY: This document updates to the 1988 edition the existing incorporation by reference in the gas and hazardous liquid pipeline safety standards of the American Petroleum Institute (API) Specification 5L, "Specification for Line Pipe." The purpose of this updating is to permit operators to use steel pipe made in accordance with API's latest technical requirements. This document also corrects an amendment to section II of Appendix A to Part 192 included in a final rule document published February 6, 1989 (Amdt. 192-62; 54 FR 5625), by removing certain CFR units that were reserved unintentionally.

EFFECTIVE DATE: This final rule takes effect September 6, 1989. The correction to Appendix A to Part 192 is effective August 7, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Albert C. Garnett, (202) 366-2036, regarding the content of this document;

or the Dockets Unit, (202) 366-5046, for copies of this document or other material in the docket.

SUPPLEMENTARY INFORMATION: API Specification 5L, "Specification for Line Pipe," is the principal specification used by pipeline operators for the procurement of high strength steel pipe used in gas and hazardous liquid pipelines in the United States. RSPA's safety standards for pipelines transporting gas or hazardous liquids (49 CFR parts 192 and 195) incorporate by reference certain requirements of the 1985 edition of API Specification 5L. Under § 192.55 (a) and (b), steel pipe qualifies for use in gas pipelines if it was manufactured in accordance with a "listed specification," which includes API 5L (see section I of Appendix B to part 192). Additionally, for gas pipelines, § 192.55(e) requires that new steel pipe that has been cold expanded must comply with the mandatory provisions of API 5L. For hazardous liquid pipelines, API 5L is referenced in the table in § 195.106(e), which denotes allowable seam joint factors for the internal design pressure formula for steel pipe. For both gas and hazardous liquid pipelines, the tensile tests of API 5L are prescribed for determining yield strength required in the internal design pressure formula when specified minimum yield strength is unknown (§§ 192.107(b) and 195.106(b)). The listings of referenced documents in Appendixes A and B to Part 192 and in § 195.3 indicate that the 1985 edition is the currently applicable edition of API 5L.

The Bethlehem Steel Corporation petitioned RSPA to adopt the 1988 edition of API 5L (Petition No. P-33), and then met with RSPA staff on April 19, 1989, to provide additional information concerning the petition. A summary of the meeting is filed in the docket with the petition.

RSPA has reviewed the 1988 edition of API 5L and found it to be satisfactory to achieve the purposes for which API 5L is incorporated by reference in parts 192 and 195. This review disclosed differences between the 1988 and 1985 editions, the more significant of which are discussed below. RSPA believes these differences would not add significantly to the burden of compliance if the 1988 edition were incorporated by reference instead of the 1985 edition. Also, incorporation by reference of the 1988 edition will contribute to pipeline safety by permitting operators to use steel pipe manufactured according to API's most recent technical requirements. Moreover, because pipe manufacturers