

Order Clauses

4. Accordingly, it is ordered that GE American Communication, Inc.'s request to modify the technical parameters of its Satcom K-3 and K-4 satellites, Application File No. 1970-DSS-MP/ML-86, is denied.

5. It is further ordered that Application File No. 1971-DSS-MP/ML-86 is granted and GE American Communications, Inc. is authorized to offer all the transponders on its Satcom K-3 satellite on a non common carrier basis.

6. It is further ordered that Application File No. 1979-DSS-MP-86 is granted and the schedule for implementation of the Satcom K-3 satellite specified in RCA American Communications, Inc., 94 FCC 2d 441 (1983), is modified as follows:

SATCOM K-3—

Construction completed, April 1989.

Launch no later than October 1989.

7. It is further ordered that Assignment of Orbital Locations, 50 FR 35228 (August 30, 1985), as modified in Comsat General Corporation, 2 FCC Rcd 4570 (1987) and Comsat General Corporation, 3 FCC Rcd 4071 (1988), is modified to reassign the GSTAR III satellite from 136° W.L. to 124° W.L. effective 30 days from the release of this Order.

8. It is further ordered that the orbital assignment policies regarding the establishment of a bifurcated high power density arc described herein are adopted.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-2454 Filed 2-2-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE**48 CFR Parts 204 and 219****Department of Defense Federal Acquisition Regulation Supplement; Small Business Competitiveness Demonstration Program; Correction**

AGENCY: Department of Defense.

ACTION: Interim rule and request for comments; correction.

SUMMARY: This document corrects an interim rule on Small Business Competitiveness Demonstration Program which was published in the *Federal Register* on Friday, January 27, 1989 (54 FR 4246). The action is necessary to make technical corrections to reporting requirements contained in the rule.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles W. Lloyd, Executive Secretary, DAR Council, (202) 697-7266.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Accordingly, the Department of Defense is correcting 48 CFR Part 204 as follows:

PART 204—ADMINISTRATIVE MATTERS

1. On page 4246, section 204.671-5 is corrected by designating in paragraph (e) the introductory text in unlettered paragraph "Item E2" as paragraph (i), adding a sentence to the designated paragraph (i) and adding paragraphs (ii) through (iv); by revising in paragraph (e) the unlettered paragraph "Code Y" of the unlettered paragraph "Item E2"; by changing in paragraph (e) in the table of Codes following the text in the unlettered paragraph "Item E3" Code F between Code F and Code M to read "Code G"; by adding in paragraph (e) in the first sentence of the unlettered paragraph "Item E4" between the word "the" and the word "designated" the word "four"; and by adding in paragraph (e) in the unlettered paragraph "Code Y" in the unlettered paragraph "Item E4" between the word "contractor" and the word "is" the words "represents that it"; to read as follows:

204.671-5 Instructions for Completion of DD Form 350.

* * * * *

Item E2, Small Business Competitiveness Demonstration Program Test.

(i) The Small Business Competitiveness Demonstration Program is set forth in FAR 19.10. Supplies and services subject to the program are set forth in FAR 19.1005, as supplemented (see 219.1005(b)).

(ii) If Item B-13 is coded 1 through 4, or A, code this item in accordance with the instructions below.

(iii) If Item B-13 is coded 5 or B through G, code this item with the same code used to report the original contract governing this action.

(iv) If Item B-13 is coded 6, 7, or 8, use Code N.

Code Y—Enter this code for any action awarded to a U.S. business concern under the Small Business Competitiveness Demonstration Program for either the four designated industry groups or the ten targeted industry categories.

204.672-5 (Corrected)

2. On page 4247, the amendatory language in paragraph 5 is corrected by substituting at the end of the text the words "most appropriate subline." in lieu of the words "code which is appropriate for the set-aside methods used."

3. On page 4247, section 204.675-3 is corrected by revising the first sentence of paragraph (b) to read as follows:

204.675-3 Instructions for Completion of the DD Form 350.

* * * * *

(b) Leave Items B4, B5B, B5E, B5F, B5G, B10, B11, B12B, B12C, C4, C6, C11, C12, D2, D3, D4E, D5, D7, D8, and E1 blank. * * *

PART 219—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

4. On page 4247, section 219.1071 is corrected by substituting in the first sentence of paragraph (a) between the word "the" and the word "at" the word "provision" in lieu of the word "clause"; by substituting in paragraph (b)(1) between the word "the" and the word "at" the word "provision" in lieu of the word "clause".

[FR Doc. 89-2505 Filed 2-2-89; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Part 192**

[Docket No. PS-98, Amdt. 192-60A]

[RIN 2137-AB19]

Exception From Pressure Testing; Non-Welded Tie-In Joints

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

ACTION: Response to petitions for reconsideration; final rule.

SUMMARY: RSPA has received 16 petitions for reconsideration of a final rule requiring leak testing of welded joints that tie in pressure-tested segments of pipeline. RSPA is persuaded by the petitions that because these joints are generally subject to nondestructive testing and because the need for leak testing has not been adequately demonstrated, the requirement lacks an adequate safety basis. Therefore, RSPA is deleting the requirement from the rule.

EFFECTIVE DATE: This final rule takes effect as of October 17, 1988, the effective date of the original final rule.

FOR FURTHER INFORMATION CONTACT: Bernard Liebler, (202) 366-2392, regarding the content of this notice.

SUPPLEMENTARY INFORMATION: RSPA recently published a final rule (53 FR 36028, September 16, 1988) excepting from the pressure test requirements of Subpart J non-welded joints that tie in pressure tested segments of pipeline, provided such tie-in joints are leak tested at not less than the operating pressure of the pipeline (Amendment 192-60; 53 FR 36028, September 16, 1988). Amendment 192-60 also imposed the leak test requirement on similar welded tie-in joints. Until Amendment 192-60 was published, welded joints used to tie in pressure-tested segments of pipeline were excepted from all of the pressure test requirements of Subpart J. Believing that leak testing of both welded and non-welded tie-in joints is a simple, prudent, and common safety procedure, RSPA adopted the requirement for leak testing welded tie-in joints without opportunity for public comment.

Fourteen operators and two trade associations have petitioned RSPA to reconsider and withdraw the requirement to leak test welded tie-in joints. The petitioners contend that all welded tie-in joints are nondestructively tested, and such testing of a joint should obviate the need for a leak test. They assert further that leak testing would be both costly and impractical, because contrary to usual practice, the joint would have to be left uncovered after construction for an indefinite time until the line is pressurized. They also argue that it was improper to have adopted the requirement to leak test welded tie-in joints without notice or opportunity for comment by interested parties.

RSPA recognizes that nondestructive testing of a welded tie-in joint provides greater assurance that the joint will not leak than a leak test at operating pressure. However, under § 192.241(b) welded tie-in joints may be placed in service without nondestructive testing on certain low stress level lines and in certain cases where the weld is approved by a qualified welding inspector. Although the petitions indicate many operators may voluntarily be nondestructively testing these joints, RSPA does not have data that demonstrate a need for leak testing such joints in the absence of nondestructive testing.

Given the superiority of nondestructive testing and the lack of information indicating a need to leak test those welded tie-in joints that are

not nondestructively tested, it appears now that there was not an adequate safety basis to require leak testing of welded tie-in joints. Furthermore, on reconsideration, RSPA believes that it should not have issued the requirement without prior notice and an opportunity for public comment. Therefore, RSPA grants the petitions and by this document is modifying § 192.503(d) to remove welded tie-in joints from the leak test requirement.

Several petitioners also noted some confusion regarding the requirement to leak test tie-in joints "at not less than * * * operating pressure," since the term "operating pressure" is not defined in Part 192. The intent is to require a leak test at the pressure at which the operator intends to place the pipeline into service, even though this pressure may be below the MAOP of the pipeline or a future operating pressure of the same pipeline.

Impact Assessment

This final rule is considered to be nonmajor under Executive Order 12291 and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since welded tie-in joints were not previously required to be leak tested, the rule will have a minimal effect on the economy, and further evaluation of this effect is unnecessary. Based on the facts available concerning the impact of this rulemaking action, I certify pursuant to section 605 of the Regulatory Flexibility Act that the action will not have a significant economic impact on a substantial number of small entities. RSPA has analyzed this action in accordance with the principles and criteria contained in E.O. 12612, and has determined that it does not have sufficient federalism implications to warrant preparing a Federalism Assessment. Because this rule change in response to petitions for reconsideration removes a requirement established without adequate procedure and returns welded, tie-in joints to their prior status under § 192.503(d), notice and public procedures are unnecessary, and the change may be issued as final.

List of Subjects in 49 CFR Part 192

Pipeline safety, Test, Tie-in, Joint.

In view of the foregoing, RSPA amends 49 CFR Part 192 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.

2. Section 192.503(d) is revised to read as follows:

§ 192.503 General requirements.

* * * * *

(d) Each joint used to tie in a test segment of pipeline is excepted from the specific test requirements of this subpart, but each non-welded joint must be leak tested at not less than its operating pressure.

Issued in Washington, DC, on January 31, 1989.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 89-2541 Filed 2-2-89; 8:45 am]

BILLING CODE 4910-60-M

Federal Railroad Administration

49 CFR Part 218

[FRA Docket No. RSOR-10, Notice No. 2]

RIN 2130-AA55

Prohibiting Tampering With Safety Devices

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule.

SUMMARY: FRA is amending its existing rules concerning railroad operating practices to prohibit tampering with safety devices and operational monitoring devices installed on locomotives. The amendments also make it unlawful to operate any train on which safety devices have been unlawfully disabled. FRA is issuing this final rule to deter the disabling of safety devices because of the grave risks posed by disabled devices on trains.

EFFECTIVE DATE: This rule becomes effective March 6, 1989.

FOR FURTHER INFORMATION CONTACT: Lawrence I. Wagner, Trial Attorney, Office of Chief Counsel, FRA, Washington, DC (telephone 202-366-0628).

SUPPLEMENTARY INFORMATION:

Historical Background

There are approximately 25,000 locomotives in service on the nation's railroads. Many are equipped with one or more devices intended either to record data concerning the unit's operation or to directly improve the safety of its operation. Within this latter category of devices, the range of equipment extends from devices designed to audibly alert a person at the controls to changing conditions to