

Dated: September 11, 1990.

Approved:

J.E. Gordon,

Acting Judge Advocate General.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 198

[Docket No. PS-116]

RIN 2137-AB 66

Grants for State Pipeline Safety Programs; State Adoption of One-Call Damage Prevention Program

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

ACTION: Final rule.

SUMMARY: This final rule sets forth regulations that require each State to adopt or seek to adopt a one-call damage prevention program as a condition to receiving a full grant-in-aid for the State's pipeline safety compliance program. The final rule implements section 303(a) of the Pipeline Safety Reauthorization Act of 1988 (Reauthorization Act) (Pub. L. 100-561; October 31, 1988), which directs the Secretary of Transportation to require each State to adopt a one-call damage prevention program for the establishment, operation, and enforcement of one-call notification systems. The intended effect of these regulations is to reduce the incidence of excavation damage to gas and hazardous liquid pipelines and other underground facilities.

EFFECTIVE DATE: This final rule takes effect September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Albert C. Garnett, (202) 366-2036, regarding the subject matter of this document, or the Dockets Unit, (202) 366-5048, for copies of this document or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

The most widely accepted approach to reducing excavation damage, or "dig-ins," to underground gas and hazardous liquid pipelines and other underground facilities is a formalized damage prevention program that makes use of a one-call notification system. Latest available information indicates that there are 88 (less than in the notice, because some systems have merged) one-call notification systems operating

in 47 States and the District of Columbia.

A one-call notification system provides a communication link between excavators and operators of pipelines and other underground facilities. The nucleus of the system is an operational center whose principal function is to promptly transfer information received from excavators about their intended excavation activities to the operators of pipelines and other underground facilities participating in the system. Excavators have to make only a single call (includes various methods of communication) to an operational center to start the process, thus the name "one call". Upon receipt of the information, the participating operators of pipelines and other underground facilities that could be affected by the excavation activity arrange for the timely identification and temporary marking of their underground facilities that are in the area of the intended activity. When necessary the underground operators inspect the site being excavated and advise the excavator of the need for special measures to protect buried or exposed facilities. One-call notification systems may perform various other functions relevant to protecting pipelines and other underground facilities from damage, such as recordkeeping and public awareness programs.

Approximately 39 States and the District of Columbia have damage prevention laws designed to protect underground facilities from damage by excavation activities. Although State damage prevention laws are not uniform, they most often require persons engaging in defined excavation activities to provide operators of specified underground facilities advance notice, with relevant details, of their intended excavations.

Common provisions of the State laws include: definition of excavation activities, specification of underground facilities, notification and response times, accuracy of temporary marking, color code for identification of temporary marking, protection of underground facilities, emergency clauses, exemptions, excavation permits, and penalties for violations.

RSPA has long supported the efforts of one-call systems to prevent damage to underground pipelines. For example, under 49 CFR 192.614, "Damage prevention program," a regulation which has been in effect since April 1, 1983 (47 FR 13818; April 1, 1982), operators of gas pipelines must carry out a damage prevention program patterned after typical one-call notification systems. Operators must perform required duties

either by themselves or by participation in a public service program, such as a one-call system. A similar damage prevention requirement has been proposed for hazardous liquid pipelines (Docket PS-101) (53 FR 24747; June 30, 1988).

Congress Urges States to Enact One-Call Laws

Congress supports efforts by the private sector and various branches of government to protect underground facilities. A new section 20 of the Natural Gas Pipeline Safety Act of 1968 (NGPSA) (49 App. U.S.C. 1687), as added by section 303(a) of the Reauthorization Act, requires the Secretary of Transportation to issue regulations that are intended to prompt States without one-call damage prevention laws to enact them and to provide commonality among all such State laws. The regulations require that each State adopt or seek to adopt a one-call damage prevention program under State law for protection of underground pipeline facilities as a condition to receiving a full grant-in-aid for its pipeline safety compliance program under section 5 of the NGPSA (49 App. U.S.C. 1674) and section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (HLPESA) (49 App. U.S.C. 2004). The new section 20 lays out nine requirements that are to be included in the regulations and form the core of each State's one-call damage prevention program.

In enacting these new requirements, Congress was aware that a one-call notification system operates most effectively when all pipelines and other underground facilities in the region covered by the system participate in the system. Only in this way can excavators truly use one call to reach operators of all potentially affected underground facilities.

Notice of Proposed Rulemaking

RSPA's Office of Pipeline Safety (OPS) published a notice of proposed rulemaking (NPRM), titled "Grant Regulations: State Adoption of One-Call Damage Prevention Program," in the *Federal Register* on July 11, 1990 (55 FR 28419). The notice proposed the addition of a new part 198, "Regulations For Grants To Aid State Pipeline Safety Programs." The regulations proposed in the notice emulated the 9 requirements prescribed by Congress for State one-call damage prevention programs.

Comments on the notice were received from 43 respondents comprised of: 19 gas distribution companies, 8 trade associations, 5 gas or hazardous

liquid transmission companies, 5 one-call notification systems, 4 State or Federal regulatory agencies, 1 communications company, and 1 State highway department. A majority (42 respondents) expressed support for one-call damage notification systems and spoke to various issues which they believed would improve the effectiveness of the proposed one-call State damage prevention programs.

General Issues

To conform with the format of parts 190 through 195 of the Pipeline Safety Regulations, in this final rule, the definitions proposed in § 198.33 of the notice have been combined with the definitions proposed in § 198.3.

Also in this final rule § 198.37 (e), (f), (g) and (h) have been revised or redesignated from that shown in the notice. The changes are as follows: Section 198.37(e)(1) in the notice has been redesignated as § 198.37(e) in the final rule and revised to include an exception for certain interstate pipelines. Section 198.37(e)(2) in the notice has been redesignated as § 198.37(f) in the final rule. Section 198.37(f) in the notice has been redesignated as § 198.37(g) in the final rule and the exception from public awareness programs has been revised. Finally, § 198.37(g) in the notice has been redesignated as § 198.37(h) in the final rule and revised to include an exception for certain interstate pipelines. The redesignation of the sections improves the form and clarity of the new regulations and the need for the revisions is discussed below.

The following recommendations were made by 6 or more commenters:

(1) Require specific time frames for notifications from excavators, one-call operational center responses to participating members, and locating and temporary markings by participating operators.

(2) Provide for operators of underground facilities to have some oversight of the one-call notification systems where they are required to participate. Particular areas recommended for oversight were development of fees and monitoring of performance.

(3) Require governmental agencies, such as highway departments, to use one-call notification systems.

RSPA agrees that these types of requirements might improve one call damage prevention programs. However, RSPA wants to avoid serious disruption of existing one-call programs by imposing too many requirements. Thus, RSPA is leaving the decision on the inclusion of these matters to the individual States.

A State utilities board expressed concern about the gap (see below—Gaps in Coverage * * * in the State one-call damage prevention programs caused by the inability of the States to adopt and enforce safety standards applicable to interstate pipeline transportation. RSPA agrees and intends to address the issue of mandatory participation by operators of interstate pipeline facilities in the current rulemaking on damage prevention programs referred to above (Docket PS-101). However, in the interim, RSPA urges operators of the interstate pipeline facilities to participate in the one-call damage prevention programs established by the States in which the facilities are located.

Specific Issues

Regarding the proposed § 198.37(c), RSPA believes the word "appropriate" in the proposal that excavators be required to notify the operational center of the "appropriate" one-call notification system is subject to misinterpretation. Therefore, RSPA has deleted "appropriate" and substituted its meaning. As adopted, the final rule requires that excavators be required to notify the operational center of the one-call notification system "that covers the area of each intended excavation activity."

The proposed language of § 198.1, "Scope," provided that part 198 "prescribes regulations governing grants to aid State pipeline safety compliance programs." One commenter believed this statement of scope to be inaccurate because the focus of the notice was one-call damage prevention programs. However, RSPA has retained the scope statement as proposed, because § 198.1 applies to all of part 198, not just subpart C, which covers one-call damage prevention programs; and RSPA sees the potential to expand part 198 in the future to cover other aspects of the State grant-in-aid program.

The proposed § 198.33 set forth a definition of "one-call notification system" as "a system of telephonic communication in which an operational center receives notices from excavators of intended excavation activities and transmits the notices to operators of pipeline facilities and any other utilities that participate in the system." Four commenters recommended revisions of various portions of this definition. RSPA has adopted the recommendation from two commenters to delete "telephonic" to avoid the implication that other means of communication may not be used. As suggested by another commenter to avoid confusion in identifying the proper one-call system,

in the final rule, RSPA has also modified the proposed definition to provide that a one-call notification system is one that qualifies under the criteria of part 198 and the State's one-call damage prevention program. RSPA also adopted the recommendation of another commenter who recommended that the word "utilities" be replaced with "facilities," which includes underground facilities that are not necessarily considered a utility.

In the proposed § 198.37(c)(3), OPS proposed that excavators be required to notify the operational center and give the "location" of each intended excavation. Two commenters pointed out that safety is jeopardized if an excavator fails to provide sufficient information to permit the underground operators to determine the specific location of the intended excavation activities. RSPA understands that underground operators need specific locations to enable them to determine if their facilities are present and, if so, to provide the required identification and temporary marking. In response to this need, RSPA has modified paragraph (c)(3) by adding a requirement that the excavator tell the "specific" location.

Also in the proposed § 198.37(c), OPS addressed emergency situations by stating that excavators "may be allowed to begin an excavation activity if they are required to notify the operational center at the earliest practicable moment." A commenter pointed out that any requirement that does not absolutely allow operators to repair their facilities is unworkable. RSPA understands the need to insure that in an emergency, excavators are permitted to expeditiously begin urgent work. In response to this obvious need, the final rule requires that the State program "must" allow an excavator to begin excavating in an emergency and, in such case, must require the excavator to notify the one-call notification system at the earliest practicable moment.

Another commenter recommended that the exception for emergency situations apply only "where life or property is endangered," to prevent the exception from being used too broadly. RSPA has not adopted this recommendation, preferring not to alter the usual understanding of "emergency" as any situation demanding immediate action. Moreover, many excavators that would be subject to a State's damage prevention program under the new part 198 often excavate to repair underground facilities in situations where life or property is not threatened, but where the public need for the service compels immediate action.

RSPA does not want part 198 to hinder these legitimate emergency responses.

The proposed § 198.37(d) provided that a State must determine whether "telephonic" communications to the operational center are to be toll free. A commenter said that although the present communications may be primarily "telephonic," other means of communication may be used. Because the Reauthorization Act requires that States determine whether "communications" are to be toll free, RSPA has revised the wording so that this State determination is not limited to telephonic communications.

In the proposed § 198.37(f), OPS proposed that the requirement to notify the public and known excavators about the use of one-call systems exclude "condominium or cooperative associations or operators who only own or operate gas distribution systems in connection with leasing of real property." A federal agency replied that since some cooperative gas distribution systems cover large areas not under their control, potentially systems serving multi-country areas, the exclusion should not apply to them. RSPA agrees. Cooperative associations that operate gas systems as a primary activity are not the type of operator the exclusion was intended to reach. Rather, the exclusion was intended to relieve persons whose primary business is something other than the production, transportation, or marketing of gas or hazardous liquids from the notification requirement. This task can be fulfilled more capably by larger operators or the one-call notification systems themselves. Therefore, RSPA has revised the exclusion to apply only to persons whose primary business does not include the production, transportation, or marketing of gas or hazardous liquids.

In the notice of proposed rulemaking, OPS proposed to apply requirements pertaining to notification of excavators (§ 198.37(f)), civil penalty and injunctive relief (§ 198.37(g)), and one-call notification system qualifications (§ 198.39(a)) to persons who "control" one-call notification systems. One commenter suggested that the word "control" be replaced with "operate" to remove the implication that the part 198 regulations apply to boards of directors of one-call notification systems. In the final rule, RSPA has adopted "operate" instead of "control." This change in terms is not for the purpose of exempting boards of directors from any obligation they may have under State law to comply with one-call damage prevention programs. Instead it is

intended to ensure that the State places the obligation to meet program requirements on persons who are responsible for the operation of one-call notification systems, and are in a position to assure compliance.

Gaps in Coverage of One-Call Damage Prevention Programs

There are two gaps in the coverage for one-call damage prevention programs provided under this final rule.

First, RSPA does not have authority to require the States to include other underground facilities that are not gas or hazardous liquid pipeline related. These other underground facilities include water mains, storm sewers, sanitary sewers, steam lines, electric power cables, telephone cables, fiber optic cables, television cables and traffic signal cables. Twenty-one commenters urged participation by the operators of these other underground facilities. RSPA agrees and urges the States to include such other underground facilities within their one-call damage prevention programs. However, because of the lack of authority, no change is made to the language of the final rule to mandate their inclusion.

Secondly, States are preempted by statute from adopting or enforcing safety standards with respect to interstate pipeline transportation (49 App. U.S.C. 1672(a)(1) and 2002(d)). Consequently, to recognize this preemption, RSPA has modified the final rule by removing the provision requiring a State to mandate participation by, and to enforce requirements against, operators of interstate pipeline facilities.

Impact on Grants-In-Aid for State Pipeline Safety Programs

Under section 5 of the NGPSA and section 205 of the HLPESA, OPS annually reimburses State agencies up to 50 percent of the cost of their pipeline safety programs, using funds that Congress appropriates for this purpose. Reimbursement amounts are determined by applying a grant-allocation formula, which weights certain factors related to the size and adequacy of the program and performance of the agency.

The new section 20 of the NGPSA affects these determinations by requiring a reduction in the reimbursement of any State that does not adopt or seek to adopt a one-call damage prevention program under the regulations of the final rule. Congress left the amount of such reduction to OPS's discretion, and it will be calculated by modifying the current performance factors. OPS will assign performance points to each of the nine requirements prescribed by Congress.

These points will be assigned as to the importance of each requirement and will not necessarily be equal. (The present performance portion of the grant allocation that addresses one-call damage prevention is comprised of four out of 27 points for the gas program and four out of 17 points for the liquid program.) OPS will work with its State partners through the National Association of Pipeline Safety Representatives (NAPSR) and the National Association of Regulatory Utility Commissioners (NARUC) to implement this modification of the performance criteria of the grant allocation. The earliest that these modifications will affect the participating State agencies is the grant allocation of Calendar Year 1991. OPS will review the status of each State's one-call damage program under this final rule in connection with the annual Federal grant-in-aid reimbursements.

Availability of Grants for States to Adopt One-Call Damage Prevention Program

Section 303(a) of the Reauthorization Act authorizes DOT to make grants to States for development and establishment of one-call damage prevention programs that are consistent with the regulations under this final rule. Congress appropriated \$672,000 (after mandated Fiscal Year 1990 adjustments) for these supplemental grants, but restricted obligation of this amount to fiscal-year 1990, which ends September 30, 1990 (Pub. L. No. 101-164).

Due to mandated ceilings on grant payments prescribed in the NGPSA and the HLPESA, only those States that have received less than 50 percent reimbursement are eligible to apply for the supplemental grants. Because the period between issuance of this final rule and September 30, 1990 is brief, OPS will have little time to evaluate any grant applications received. Therefore, eligible States should submit applications as soon as possible, demonstrating how their development and implementation actions will result in one-call damage prevention programs consistent with the part 198 regulations. States wishing more information about grant applications should contact OPS's State Programs Officer, Tom Fortner, at (202) 366-4564.

Impact Assessment

Approximately 88 one-call notification systems operate in 47 States and the District of Columbia. Additionally, there are some 39 States and the District of Columbia that have damage prevention laws that are intended to require the use

of one-call notification systems to protect underground facilities from damage by excavators. This final rule would merely specify minimal one-call damage prevention program requirements that a State must adopt or seek to adopt to receive a full grant-in-aid for its pipeline safety compliance program under the NGPSA or the HLPSPA. A State that does not seek grant funding for this purpose is not affected by this final rule. The regulations parallel the general features of one-call notification systems and provide flexibility for most States with one-call damage prevention programs to meet the requirements. However, additional laws will be necessary in those few States without one-call damage prevention programs. Therefore, this final rule is considered to be nonmajor under Executive Order 12291 and nonsignificant under DOT Regulatory Policies and Procedures (44 FR 11034, February 25, 1979). Since the rule should require minimal compliance expense, it does not warrant preparation of a Draft Evaluation. Also, based on the facts available concerning the impact of this final rule, I certify under section 605 of the Regulatory Flexibility Act that it would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The preparation of this final rule is mandated by section 303(a) of the Reauthorization Act and the rule merely implements the nine requirements prescribed by Congress for State one-call damage prevention programs. None of the information collection requirements of this final rule are for submittal to RSPA.

Since publication of the notice, RSPA has determined that there is no need to submit the information collection requirements of this final rule to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). There are 38 one-call notification systems currently in place covering 47 of the 50 States and the District of Columbia. Additionally, some 39 States and the District of Columbia have current laws relating to the prevention of damage to underground facilities. Most of these systems keep records of calls as required under § 198.39. As existing one-call notification systems come into compliance with the State one-call notification programs that are the subject of this final rule, RSPA expects these systems also will handle the information collection duties under § 198.37(g) for their participating

members. Heretofore, operators of gas pipelines have been handling these information collection duties as required by § 192.614(b)(1) and (2), either through an established one-call system or on their own. Many operators of hazardous liquid pipelines are voluntarily performing similar requirements either through established one-call systems or on their own. Therefore, to the extent that appropriate one-call notification systems take over the paperwork burden now assumed by many individual underground operators, the cumulative effect will be a net decrease in the total paperwork burden for those persons that are affected by this final rule.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The requirements contained herein are statutorily mandated. In implementing the statute, RSPA is limiting the requirements to the nine statutory criteria. OPS has determined that it does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Effective Date

RSPA finds good cause to make this rule effective upon publication. The final rule merely sets forth the criteria the States must meet in order to qualify for full grants-in-aid. Under the statute the money for the supplemental grants must be obligated by September 30, 1990. Therefore, providing an effective date 30 days after publication would be unfair to States who would otherwise qualify for the supplemental grant.

List of Subjects in 49 CFR Part 198

Grant programs—Transportation, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA amends chapter I of title 49 of the Code of Federal Regulations by adding part 198 to read as follows:

PART 198—REGULATIONS FOR GRANTS TO AID STATE PIPELINE SAFETY PROGRAMS

Subpart A—General

Sec.
198.1 Scope.
198.3 Definitions.

Subpart B—[Reserved]

Subpart C—Adoption of One-Call Damage Prevention Program

198.31 Scope.
198.33 [Reserved]

198.35 Grants conditioned on adoption of one-call damage prevention program.
198.37 State one-call damage prevention program.
198.39 Qualifications for operation of one-call notification system.

Authority: 49 App. U.S.C. 1874, 1687 and 2004; 49 CFR 1.53.

Subpart A—General

§ 198.1 Scope.

This part prescribes regulations governing grants-in-aid for State pipeline safety compliance programs.

§ 198.3 Definitions.

As used in this part:

Adopt means establish under State law by statute, regulation, license, certification, order, or any combination of these legal means.

Excavation activity means an excavation activity defined in § 192.614(a) of this chapter, other than a specific activity the State determines would not be expected to cause physical damage to underground facilities.

Excavator means any person intending to engage in an excavation activity.

One-call notification system means a communication system that qualifies under this part and the one-call damage prevention program of the State concerned in which an operational center receives notices from excavators of intended excavation activities and transmits the notices to operators of underground pipeline facilities and other underground facilities that participate in the system.

Person means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

Underground pipeline facilities means buried pipeline facilities used in the transportation of gas subject to the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671 *et seq.*) or the transportation of a hazardous liquid subject to the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001 *et seq.*).

Secretary means the Secretary of Transportation or any person to whom the Secretary of Transportation has delegated authority in the matter concerned.

Seeking to adopt means actively and effectively proceeding toward adoption.

State means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subpart B—[Reserved]**Subpart C—Adoption of One-Call Damage Prevention Program****§ 198.31 Scope.**

This subpart implements section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1687), which directs the Secretary to require each State to adopt a one-call damage prevention program as a condition to receiving a full grant-in-aid for its pipeline safety compliance program.

§ 198.33 [Reserved]**§ 198.35 Grants conditioned on adoption of one-call damage prevention program.**

In allocating grants to State agencies under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1674) and under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2004), the Secretary considers whether a State has adopted or is seeking to adopt a one-call damage prevention program in accordance with § 198.37. If a State has not adopted or is not seeking to adopt such program, the State agency may not receive the full reimbursement to which it would otherwise be entitled.

§ 198.37 State one-call damage prevention program.

A State must adopt a one-call damage prevention program that requires each of the following at a minimum:

(a) Each area of the State that contains underground pipeline facilities must be covered by a one-call notification system.

(b) Each one-call notification system must be operated in accordance with § 198.39.

(c) Excavators must be required to notify the operational center of the one-call notification system that covers the area of each intended excavation activity and provide the following information:

(1) Name of the person notifying the system.

(2) Name, address and telephone number of the excavator.

(3) Specific location, starting date, and description of the intended excavation activity.

However, an excavator must be allowed to begin an excavation activity in an emergency but, in doing so, required to notify the operational center at the earliest practicable moment.

(d) The State must determine whether telephonic and other communications to the operational center of a one-call notification system under paragraph (c) of this section are to be toll free or not.

(e) Except with respect to interstate transmission facilities as defined in section 2 of the Natural Gas Pipeline Safety Act of 1968, 49 App. U.S.C. 1671, and interstate pipelines as defined in § 195.2 of this chapter, operators of underground pipeline facilities must be required to participate in the one-call notification systems that cover the areas of the State in which those pipeline facilities are located.

(f) Operators of underground pipeline facilities participating in the one-call notification systems must be required to respond in the manner prescribed by § 192.614 (b)(4) through (b)(6) of this chapter to notices of intended excavation activity received from the operational center of a one-call notification system.

(g) Persons who operate one-call notification systems or operators of underground pipeline facilities participating or required to participate in the one-call notification systems must be required to notify the public and known excavators in the manner prescribed by § 192.614 (b)(1) and (b)(2) of this chapter of the availability and use of one-call notification systems to locate underground pipeline facilities. However, this paragraph does not apply to persons (including operator's master meters) whose primary activity does not include the production, transportation or marketing of gas or hazardous liquids.

(h) Operators of underground pipeline facilities (other than operators of interstate transmission facilities as defined in section 2 of the Natural Gas Pipeline Safety Act of 1968, 49 App. U.S.C. 1671, and interstate pipelines as

defined in § 195.2 of this chapter), excavators, and persons who operate one-call notification systems who violate the applicable requirements of this subpart must be subject to civil penalties and injunctive relief that are substantially the same as are provided under sections 11 and 12 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1679a and 1679b).

§ 198.39 Qualifications for operation of one-call notification system.

A one-call notification system qualifies to operate under this subpart if it complies with the following:

(a) It is operated by one or more of the following:

(1) A person who operates underground pipeline facilities or other underground facilities.

(2) A private contractor.

(3) A State or local government agency.

(4) A person who is otherwise eligible under State law to operate a one-call notification system.

(b) It receives and records information from excavators about intended excavation activities.

(c) It promptly transmits to the appropriate operators of underground pipeline facilities the information received from excavators about intended excavation activities.

(d) It maintains a record of each notice of intent to engage in an excavation activity for the minimum time set by the State or, in the absence of such time, for the time specified in the applicable State statute of limitations on tort actions.

(e) It tells persons giving notice of an intent to engage in an excavation activity the names of participating operators of underground pipeline facilities to whom the notice will be transmitted.

Issued in Washington, DC, on September 14, 1990.

Travis P. Dungan,

Administrator, Research and Special Programs.

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