

made to review and, if found to be appropriate, the revise the regulations. The BLM's major objective in its regulatory review is to carry out its responsibilities to implement the mining and environmental laws and policies of the United States. In order to do so, these matters must be considered:

1. The BLM's ability/flexibility in the review, approval, oversight, and closure of mining operations;
2. Accountability of mining operators for well-planned proposals and diligent operations; and
3. Environmental impacts and conservation of resources, including reclamation.

Dated: August 28, 1991.

Richard Roldan,

Acting Assistant Secretary of the Interior.

[FR Doc. 91-25480 Filed 10-22-91; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-123; Notice 1]

RIN 2137-AB64

Leakage Surveys on Distribution Lines Located Outside Business Districts

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

ACTION: Notice of proposed rulemaking.

SUMMARY: As a result of recent accidents, this notice proposes to require operators of distribution lines to use gas detectors in conducting leakage surveys on lines located outside business districts. Some operators now survey these lines for leaks by looking for dead or dying vegetation, a method that is less reliable than using gas detectors. The proposed rule would assure that operators detect all hazardous leaks during leakage surveys of distribution lines outside business districts.

Also, at least every 3 years, operators must reevaluate certain cathodically unprotected metallic pipelines for the presence of active corrosion, using electrical survey or other means if electrical survey is impractical. The means commonly used instead of electrical survey is assessment of leakage survey data. For distribution lines located outside business districts, that data may be as much as 5 years old under the present rule on survey frequency. Exclusive reliance on such old data, however, is not in keeping with

the purpose of determining the presence of corrosion at least every 3 years. Thus, to assure that data no more than 3 years old are available for this purpose, RSPA is proposing that the lines involved be surveyed for leaks at least every 3 years.

In addition, for distribution lines of any material located outside business districts, RSPA is seeking comment on (1) the need to shorten the maximum interval between leakage surveys from 5 years to 3 years, and (2) the need for annual leakage surveys on cathodically unprotected metallic lines on which electrical surveys are impractical.

DATES: RSPA invites interested persons to submit comments by December 23, 1991. Late filed comments will be considered as far as is practicable.

ADDRESSES: Send comments in duplicate to the Dockets Unit, room 8417, Office of Pipeline Safety Regulatory Programs, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and docketed material will be available for inspection and copying in room 8419 between 8:30 a.m. and 5 p.m. each business day.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow, (202) 366-2392, regarding the subject matter of this notice, or the Dockets Unit, (202) 366-4453, regarding copies of this notice or other material in the docket that is referenced in this notice.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 1968, a child was killed and five other family members injured when a house exploded in the Hickman Mills subdivision of Kansas City, Missouri. The National Transportation Safety Board (NTSB) blamed the explosion on ignition of natural gas that had seeped into the house from a broken 1-inch, bare, steel service line, which had been installed in 1955. (Report No. NTSB/PAR-90/01).

This accident was one in a string of similar accidents due to corrosion and other causes during a 7-month period of 1988 and 1989 on service lines operated by the Kansas Power and Light Company (KPL) in Kansas and Missouri. Overall, four persons were killed and 16 were injured, with property damage exceeding \$740,000.

At the time of the Hickman Mills accident, KPL had begun a gas detection survey of all its house service lines installed before 1971 (about 359,000), using hydrogen flame ionization (HFI)

detection equipment. KPL had started this survey after an earlier accident and meetings with the Kansas Corporation Commission.

The service lines surveyed were mostly steel lines installed before the adoption of part 192. KPL's meter readers had periodically checked the lines for leaks by using the vegetation survey method, which involves looking for dead or dying vegetation over the lines. KPL had never used gas detectors to survey the lines.

The comprehensive HFI survey revealed a higher than expected percentage of leaking service lines. For example, between October 3 and November 10, 1988, the survey revealed 2,156 leaks in 55,213 house service lines. KPL considered 303 of these leaks to need immediate repair.

Responding to these findings, the Kansas Corporation Commission and the Missouri Public Service Commission each adopted stricter rules governing residential distribution lines, including stricter leakage survey requirements. Each State increased the minimum frequency of leakage surveys in residential areas from every 5 to every 3 years and required the use of HFI equipment. In addition, Missouri required annual HFI surveys of cathodically unprotected service lines until the lines are replaced over a 5- or 10-year period. Kansas required vegetation surveys five times a year on all service lines. Other States have also required the use of gas detectors in residential leakage surveys.

As a result of its investigations, NTSB recommended that RSPA take several actions. Two of those are pertinent to this proceeding:

1. Amend the provisions of 49 CFR part 192 that allow alternatives to the use of electric surveys for identifying areas of active corrosion to require that any alternative must provide data equivalent, both in timeliness and quality, to that obtained using electrical surveys. (P-90-17)

2. Amend 49 CFR 192 to disallow the use of vegetation-type surveys for complying with any leakage survey requirement. (P-90-18)

In addition, the National Association of Pipeline Safety Representatives (NAPSR), an organization of State pipeline inspectors, has recommended that operators use gas detectors in leakage surveys on distribution lines. NAPSR believes that vegetation surveys are too imprecise to assure safety in residential areas.

Vegetation Surveys

Vegetation surveys are based on the assumption that natural gas in the subsurface environment displaces air in

the soil. Lack of air inhibits the growth of vegetation, producing an effect visible on the surface. Therefore, by observing areas of dead or dying vegetation over a buried pipeline, operators can infer the existence of a gas leak.

Although the vegetation survey is a well-established technique, it has weaknesses. The main weakness is that it is dependent upon the growth of vegetation. At various times and places, primarily because of seasonal, weather, or climatic conditions, the growth of vegetation may be insufficient to support a proper vegetation survey.

Another weakness of vegetation surveys is that natural gas noticeably affects vegetation only after gas has leaked at a significant rate for a significant time. Thus, vegetation surveys may not discover incipient leaks; and very small, or "pinhole," leaks may not be discovered unless they increase in size.

In contrast, leakage surveys using portable gas detector equipment can be done any time of the year. Although the sensitivity of available gas detectors varies, all equipment can detect the presence of natural gas in the atmosphere without the aid of human judgment. Consequently, gas detector surveys eliminate the uncertainty that accompanies the results of vegetation surveys. Whenever a trained technician does a leakage survey with gas detector equipment, the operator can assume with reasonable certainty that all hazardous leaks will be found.

Leakage Surveys on Distribution Lines Outside Business Districts

Because of the Kansas and Missouri accidents, the State regulatory responses, and the NTSB and NAPS recommendations, RSPA has reviewed § 192.723, the rule that governs leakage surveys of gas distribution lines. This rule currently is as follows:

Section 192.723 Distribution systems: Leakage surveys and procedures.

(a) Each operator of a distribution system shall provide for periodic leakage surveys in its operating and maintenance plan.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:

(1) A gas detector survey must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks, at intervals not exceeding 15 months, but at least once each calendar year.

(2) Leakage surveys of the distribution system outside of the principal business

areas must be made as frequently as necessary, but at intervals not exceeding 5 years.

Note that the rule requires the use of gas detectors inside business districts (§ 192.723(b)(1)). But, outside these districts, in residential and other areas, the rule allows operators to decide which method of leakage survey to use (§ 192.723(b)(2)). So, outside business districts, operators may currently use vegetation surveys to meet the leakage survey requirement wherever their use is appropriate.

The KPL accidents and associated leakage surveys (discussed above) suggest that if operators use gas detectors to survey leaking distribution lines previously checked only by vegetation surveys, they will find leaks that had previously gone undetected. For any such leaks that are hazardous, it is reasonable to expect that follow-up remedial action would prevent accidents. As discussed below under Rulemaking Analyses, RSPA believes that requiring the use of gas detectors outside business districts would add little to the industry's average survey costs. Therefore, RSPA is proposing to amend § 192.723(b)(2) to require that operators use gas detectors in surveying lines for leaks outside business districts.

Under the proposed amendment, operators who survey their lines for leaks more often than § 192.723(b)(2) requires would still be free to use vegetation surveys for these additional leakage surveys. We see no need to disallow entirely the use of vegetation surveys. They can provide a useful adjunct to leakage surveys required by § 192.723(b)(2).

The proposed amendment would only partially satisfy NTSB's recommendation (described above) that RSPA disallow vegetation surveys in complying with any leakage survey requirement under Part 192. The proposed amendment affects only distribution lines. It does not affect transmission lines and jurisdictional gathering lines, which are subject to the leakage survey requirements of § 192.706. This rule requires the use of leak detection equipment only on lines carrying unodorized gas in Class 3 or 4 locations. Operators use vegetation surveys to comply with § 192.706 for lines carrying odorized gas and lines carrying unodorized gas in Class 1 or 2 locations. RSPA believes the available information does not justify proposing to disallow the use of vegetation surveys under § 192.706.

Despite the weaknesses described above, vegetation surveys have not been a problem under § 192.706 as they have under § 192.723(b)(2). Vegetation

surveys are more dependable for transmission and gathering lines than for service lines, primarily because the transmission and gathering lines operate at much higher pressures. Thus, a small hole or crack in a transmission or gathering line will release gas at a far higher rate than will the same size hole in a service line. As a result, vegetation dies sooner and more noticeably. In addition, transmission and gathering lines are mostly in rights-of-way where there is ample vegetation to support a vegetation survey. In areas of sparse vegetation, transmission line leaks are nevertheless detectable because of the higher rate of blowing gas. In addition, because transmission lines are usually not in close proximity to people, there is more latitude to schedule the leak survey during maximum vegetation growth. Thus, vegetation surveys are more suitable for transmission and gathering lines than for residential service lines.

Section 192.723(b) applies to all gas distribution systems that are subject to Part 192. The rule prescribes more frequent leakage surveys for systems located inside business districts (§ 192.723(b)(1)) than for systems located outside such districts (§ 192.723(b)(2)). However, in regulating leakage surveys of systems located outside business districts, § 192.723(b)(2) refers to these systems as systems "outside of the principal business areas." This language could be misinterpreted to mean something other than outside business districts. Thus, we are proposing to amend § 192.723(b)(2) to be consistent with § 192.723(b)(1), by replacing the language, "outside of the principal business areas," with "outside business districts."

Finding Areas of Active Corrosion on Distribution Lines Outside Business Districts

RSPA questions the corrosion control practice of some distribution operators who use leakage survey data collected at 5-year intervals under § 192.723(b)(2) to find areas of active corrosion under § 192.465(e). Section 192.465(e) requires operators to reevaluate certain cathodically unprotected metallic pipelines at least every 3 years. The reevaluation is to learn if areas of active corrosion exist, and protect areas where corrosion is found. Operators must search for areas of active corrosion by electrical survey, or if an electrical survey is impractical (usually because of physical conditions surrounding the line), by studying corrosion and leak history records, by leak detection survey, or by other means. It is common

practice for operators to rely on leakage surveys as an alternative to electrical surveys in complying with § 192.465(e).

The intent of § 192.465(e) is for operators to use data that is not more than 3 years old in reevaluating cathodically unprotected metallic pipelines. Using data more than 3 years old for this purpose provides an opportunity for corrosion to go unchecked longer than the minimum period of reevaluation.

The use of electrical survey data more than 3 years old has generally not been a problem under § 192.465(e). The problem of using untimely data is limited to some distribution lines located outside business districts on which operators collect leakage survey data at 5-year intervals under § 192.723(b)(2). (The maximum interval permitted between leakage surveys on other lines is 15 months under §§ 192.706 and 192.723(b)(1).)

To stop the use under § 192.465(e) of leakage data collected at 5-year intervals, we are proposing a further amendment to § 192.723(b)(2), as set forth below. This proposed amendment would only affect cathodically unprotected metallic distribution lines located outside business areas on which electrical surveys are impractical. For these lines, the amendment would reduce the maximum interval between gas detector surveys (proposed above) from 5 years to 3 years.

This proposal would partially satisfy the NTSB recommendation (described above) that in checking for corrosion, any alternative to an electrical survey provide data equivalent in timeliness and quality to electrical survey data. Under § 192.465(e), operators of distribution systems almost without exception rely on leakage survey data as an alternative to electrical survey data in places where electrical surveys are impractical. The proposed amendment to § 192.723(b)(2) would make the timeliness of these different types of data equivalent for distribution lines outside business districts. However, the quality of leakage survey data cannot be made equivalent to that of electrical survey data for the purpose of corrosion control. Electrical survey data can directly indicate the presence of corrosion, while leakage survey data can only imply the presence of corrosion. At present, we do not believe the quality aspect of NTSB's recommendation can be achieved under the leakage survey alternative.

Frequency of Leakage Surveys on Distribution Lines Outside Business Districts

In 1979, RSPA issued a notice of proposed rulemaking that proposed to increase the frequency of required leakage surveys in certain "high risk" residential locations (Docket PS-62; 44 FR 72201; December 13, 1979). RSPA proposed annual surveys for the most highly populated areas (Class 4 areas under § 192.5), and biannual surveys for the next most populated areas (Class 3 areas under § 192.5).

Most of the comments we received in response to that notice did not support the notion of surveying for leaks at the frequencies proposed. Based on our review of the information then available, we concluded that the number of accidents that might be prevented by surveying at the proposed increased frequencies would not justify the proposed rules on a cost/benefit basis. Thus, we withdrew the proposal (50 FR 10721; March 14, 1983).

However, the experiences in Kansas and Missouri, in which over 300 leaks requiring immediate repair were found, have prompted us to reconsider the need for more frequent leakage surveys of distribution lines located outside business districts. (The minimum 3-year frequency proposed above concerning certain metallic distribution lines is based on an inspection period Part 192 has long established as appropriate for corrosion control, not new information about the benefit of surveying for leaks at more frequent intervals.)

Therefore, RSPA would like to receive comments addressing (1) the need to increase from every 5 years to every 3 years the minimum frequency of leakage surveys on distribution lines of any material located outside business districts, and (2) the need to conduct leakage surveys at least annually (instead of at least every 3 years as proposed by this notice) on cathodically unprotected metallic distribution lines that lie outside business districts and on which electrical surveys are impractical. If the minimum 5-year frequency were increased to every 3 years for distribution lines located outside business districts or the proposed 3-year frequency for cathodically unprotected lines in these areas were increased to every year, how would such an increase affect the present costs of conducting leakage surveys on distribution lines in small and large systems? In addition, we also request information concerning any benefits that would result from such rules. Information concerning accidents that operators might have avoided had

they surveyed pipelines for leaks more frequently would be helpful.

Except for certain cathodically unprotected metallic distribution lines, RSPA is not by this notice proposing to increase the minimum frequency of leakage surveys under § 192.723(b)(2). However, based on comments received and further analysis, we may propose a minimum 3-year frequency for all distribution lines located outside business districts. Also, we may propose a minimum annual frequency for all cathodically unprotected distribution lines on which electrical surveys for corrosion are impractical. Any such proposal would be published for comment in a separate notice of proposed rulemaking, either as a supplementary notice in the present proceeding or as part of a different proceeding.

Rulemaking Analyses

E.O. 12291 and DOT Regulatory Policies and Procedures

RSPA has concluded that the proposed amendment to § 192.723(b)(2) is not a major rule under Executive Order 12291. Also, it is not a significant regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

RSPA believes that the proposed amendment would add minimally to the average compliance expense of the present rule. With respect to requiring the use of gas detectors, first, operators of gas distribution systems already have the equipment. They use portable gas detectors in business districts and to check enclosed spaces for gas leaks. Second, in leakage surveys outside business districts, most operators already use gas detectors for mains, because they generally lie beneath paved areas where vegetation surveys are inappropriate. Also, for service lines in these areas, many operators are voluntarily using gas detectors instead of vegetation surveys, and some state laws require operators subject to State jurisdiction to do so. Third, gas detector equipment is easy to use. Personnel operators trained to do vegetation surveys would need only slight, if any, additional training to use the equipment. Finally, although the survey process would take longer with gas detectors, any resulting additional costs would be mitigated by the long time between surveys (maximum interval is 5 years) and the ability to conduct surveys with gas detectors any time of the year.

With respect to surveys of certain unprotected metallic lines at 3-year intervals, the proposed amendment

would merely assure that when operators use leakage data to evaluate these lines for corrosion, the data are not less timely than what § 192.465(e) intends for that purpose. We have not attributed any additional compliance costs to this aspect of the proposed amendment because the use of timely data is an inherent requirement of the existing § 192.465(e)

We believe the proposed amendment does not warrant a more detailed evaluation of its impact. Nevertheless, we would appreciate receiving comments on costs and benefits.

Regulatory Flexibility Act.

Based on the facts available concerning the impact of this proposal, I certify under Section 605 of the Regulatory Flexibility Act that it would not, if adopted as final, have a significant economic impact on a substantial number of small entities.

E.O. 12612

We have analyzed this proposed rule under the criteria of Executive Order 12612 (52 FR 41685; October 30, 1987). We find it does not warrant preparation of a Federalism Assessment.

List of Subjects in 49 CFR Part 192

Corrosion, Leakage surveys, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA proposes to amend 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; 49 CFR 1.53.

2. Section 192.723(b)(2) would be revised to read as follows:

§ 192.723 Distribution systems: Leakage surveys and procedures.

• • • • •
(b) • • •

(2) A gas detector survey must be conducted outside business districts as frequently as necessary, but at intervals not exceeding 5 years. However, for cathodically unprotected distribution lines subject to § 192.465(e) or which electrical surveys for corrosion are impractical, survey intervals may not exceed 3 years.

Issued in Washington, DC on October 17, 1991.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

[FR Doc. 91-25394 Filed 10-18-91; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 910640-1243]

RIN 0648-AE37

Atlantic Swordfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce (Secretary) issues this proposed rule governing the Atlantic swordfish fishery to (1) redefine the swordfish management unit to include the entire North Atlantic Ocean north of 5 °N. latitude; (2) establish a minimum size limit of 31 inches (78.7 cm) carcass length or 41 pounds (18.6 kilograms (kgs)) dressed weight for swordfish, with a 15 percent allowance for undersized swordfish based on the number of swordfish landed per trip; (3) establish an annual total allowable catch of 6.9 million pounds (3.13 million kgs) divided into a 6.0 million pounds (2.72 million kgs) annual directed fishery quota and a 0.9 million pounds (0.41 million kgs) annual bycatch quota; the annual directed fishery quota of 6.0 million pounds dressed weight is divided equally into 3.0 million pounds (1.36 million kgs) quotas for each of two semi-annual periods January 1 through June 30 and July 1 through December 31; (4) further subdivide each of the 3.0 million pounds semi-annual quotas into a drift gillnet quota of 40,785 pounds (18,500 kgs) and a quota for longline and harpoon gear of 2,959,215 pounds (1,342,276 kgs); (5) establish a procedure to adjust annual, semi-annual, and gear quotas; (6) specify bycatch limits applying after a gear closure or applying to gear other than harpoon, longline, or drift gillnet; (7) require vessel operators to carry NMFS-approved observers on permitted vessels upon the request of NMFS; (8) prohibit the sale of swordfish caught in the recreational fishery and restrict gear in the recreational fishery to rod and reel; (9) require that dealers obtain a permit before purchasing or receiving swordfish and comply with specific reporting requirements; (10) establish a fee for the issuance of vessel and dealer permits; and (11) make other changes to facilitate the management of the Atlantic swordfish fishery. This action is necessary to respond to the critical condition of the swordfish resource by reducing fishing mortality on the stock to levels that will increase

the probability of rebuilding the spawning stock biomass to a level that reduces the likelihood of recruitment failure. The intent of this action is to ensure that the United States fulfills its international obligations as a member of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

DATES: Comments on this proposed rule must be received on or before December 2, 1991.

ADDRESSES: Comments on the proposed rule should be sent to Richard H. Schaefer, Director, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service (NMFS), 1335 East-West Highway, Silver Spring, MD 20910. Copies of the Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis are available from the same Office.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, 301-427-2347.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish (FMP) and its implementing regulations at 50 CFR part 630 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP was prepared by the five fishery management councils with jurisdiction over the waters off the east coast of the Atlantic, the Gulf of Mexico, and the Caribbean Sea. The FMP and implementing regulations currently provide for commercial vessel permits and statistical recordkeeping and reporting requirements, which may be changed by regulatory amendment.

The Fishery Conservation Amendments of 1990 (FCA), Public Law 101-627, transferred management authority over the Atlantic swordfish fishery to the Secretary. The Secretary issued emergency regulations under the authority of the Magnuson Act on June 12, 1991 (56 FR 26934, June 12, 1991), that are consistent with the recommendations of ICCAT as discussed below, and that are designed to reduce fishing mortality immediately on the swordfish stock and to initiate rebuilding of the stock. The emergency regulations are effective for 180 days from June 12 through December 9, 1991. The emergency regulations have been corrected twice to revise the minimum size requirement (56 FR 28349, June 20, 1991) and the allocation of the semi-annual directed fishery quotas between users of drift gillnets and other commercial fishing gear (56 FR 29905, July 1, 1991).