FOR FURTHER INFORMATION CONTACT: Michael Ruger, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: The final rule for this document was published at 54 FR 3781, Jan. 26, 1989. This is a summary of the Commission's Order Granting Request for Stay, MM Docket No. 88-31, adopted February 1, 1989, and released February 2, 1989. The full text of this Commission decision is available during 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.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-2831 Filed 2-3-89; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1837

Change to NASA FAR Supplement Concerning Pension Portability

AGENCY: Office of Procurement, Procurement Policy Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This notice amends the NASA Federal Acquisition Regulation Supplement (NFS), Chapter 18 of the Federal Acquisition Regulation System in Title 48 of the Code of Federal Regulations. This rule provides NASA's policy regarding pension portability in service contracts. It establishes the conditions and approvals required to include pension portability provisions in procurements.

EFFECTIVE DATE: February 15, 1989.

FOR FURTHER INFORMATION CONTACT: W.A. Greene, Chief, Regulations Development Branch, Procurement Policy Division (Code HP), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: (202) 453-8923.

SUPPLEMENTARY INFORMATION:

Background

This rule was published for comment as a proposed rule in the **Federal Register** of December 13, 1988. No comments were received.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. This regulation falls in this category. NASA certifies that this regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*). This rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act of 1980.

List of Subjects in 48 CFR Part 1837

Government procurement.

S.J. Evans,

Assistant Administrator for Procurement.

1. The authority citation for 48 CFR Part 1837 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1837.1—Service Contracting

2. Subpart 1837.1 is amended by adding sections 1837.101, 1837.110, and 1837.170 to read as follows:

1837.101 Definitions.

"Pension portability" means the recognition and continuation in a successor service contract of the predecessor service contract's pension rights and benefits for contractor employees.

1837.110 Solicitation provisions and contract clauses.

The contracting officer shall obtain the Assistant Administrator for Procurement's (Code HP) approval before using in a solicitation, contract, or negotiated contract modification for additional work any installation-developed clause involving pension portability.

1837.170 Pension portability.

It is NASA's policy not to require pension portability in service contracts. However, if it is in the Government's best interest, NASA may consider the inclusion of pension portability requirements in a service contract under the following conditions:

(a) Only defined contribution plans shall be permitted in portability provisions;

(b) At a minimum, vesting shall be 100 percent at contract completion or termination; and

(c) There must be a clear description of the plan, including coverage regarding service, pay, and benefits, as appropriate, from prior contractors.

[FR Doc. 89-2832 Filed 2-3-89; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. PS-95, Amdt. 192-62 and 195-40]

[RIN 2137-AB24]

Gas and Hazardous Liquid Pipelines; Referenced Standards Deletion Affecting Iron, Steel, and Copper Pipe and Other Materials

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

ACTION: Final rule.

SUMMARY: This final rule deletes references to certain voluntary design and construction standards concerning cast iron, ductile iron, wrought steel, and wrought iron pipe; copper pipe and tubing; well casing tubing and drill pipe; bronze flanges; and other materials. The references are no longer needed for safety because the materials have minimal or no usage in new gas and hazardous liquid pipelines. This action significantly reduces the number of voluntary standards that are now incorporated by reference in Parts 192 and 195 and the burden of keeping these references up-to-date.

EFFECTIVE DATE: This amendment takes effect March 8, 1989.

FOR FURTHER INFORMATION CONTACT: Paul J. Cory, (202) 366-4561, or the Dockets Unit, (202) 366-4148, regarding copies of this final rule or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

RSPA issued an Advance Notice of Proposed Rulemaking (ANPRM), published June 4, 1987 (52 FR 21087), and a Notice of Proposed Rulemaking (NPRM), published July 1, 1988, 53 FR 24968, inviting comment on the advisability of deleting from Parts 192

and 195 references to certain voluntary design and construction standards of the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), and the American Petroleum Institute (API). In addition, based on comments to the ANPRM on the question of what additional standards should be considered for deletion, certain standards of the Manufacturer's Standardization Society of the Valve and Fittings Industry (MSS) were included in the NPRM. RSPA determined that the references may no longer be needed for materials that have minimal usage in new construction of gas and liquid pipelines and deleting the references would minimize the effort required to update the current editions of the references to voluntary standards in Parts 192 and 195. The ANPRM and the NPRM presented RSPA's arguments for deleting these references. In most cases deleting references involves revising individual Parts 192 and 195 sections to eliminate reference to the voluntary standard. In Part 192, however, some references are expressed indirectly by referring to a "listed specification," those listed in section I of Appendix B, and deleting any of these references involves changing Appendix B. In Part 192 all referenced voluntary standards are listed in Appendix A to provide names and addresses of publishers. In Part 195 a similar listing is in § 195.3. Thus, deletion of referenced standards also involves changes to Appendix A of Part 192, § 195.3, or both.

Comment Summary

There were 20 letters of comment to the NPRM, including 14 from pipeline operators, two from State pipeline regulatory agencies, three from industry organizations, and one from a fitting manufacturer. Comments generally agreed with the actions proposed by the notice; however, 11 comments addressed specific sections of the proposal. Significant comments and RSPA's responses are discussed hereafter.

Comment: An industry association and one pipeline operator argued against deletion of standards for ductile iron pipe, stating that if the corrosion standards of Part 192 permitted its use in certain soils without applying a protective coating and corrosion control, assuming costs were competitive, they would likely install ductile iron. They cited their own good record with ductile iron pipe as justification.

Response: The subject of corrosion requirements on ductile iron pipe was discussed at length in the NPRM in response to comments to the ANPRM. Briefly, the discussion pointed out that when the Part 192 corrosion standards were published in 1971, there were no persuasive arguments given to exclude ductile iron pipe from the requirements. Since that time, no new data has been presented to RSPA to support a rule change. Besides all this, the primary consideration in this rulemaking is whether at the present time certain materials are being installed in significant amounts in new pipelines to justify maintaining references to voluntary standards to govern use of the materials. Since ductile iron is not being used for new pipelines, standards on ductile iron pipe are deleted in the final rule.

Comment: One industry association and two pipeline operators commented on the proposed revision of § 192.63(a). One comment suggested deleting § 192.63(a)(1), even though it merely restated the existing rule that components be marked according to the specification to which they are made. The rationale given was that for specifications other than "listed specifications," this marking requirement gives specification writers authority to set federal marking standards without appropriate government review. Another comment suggested adding "material" and "grade" to the list of items proposed to be marked on components under § 192.63(a)(2) to provide for correct usage. Another commenter said "as appropriate" should be added at the end of the list, since all listed items may not apply to all components.

Response: Reviewing the marking rule under § 192.63(a)(1), which has been in Part 192 since it was initially published in 1971, is beyond the scope of the present rulemaking which merely eliminates unnecessary or obsolete specifications and makes other conforming changes.

The comments pertaining to the proposed revision of § 192.63(a)(2) have merit, and the final rule is changed accordingly to state the information that is required for marking all items, and as appropriate for the item being marked, additional required information.

Comment: One industry association and two pipeline operators pointed out that in the proposed § 192.125(b), requiring the use of "Type L" pipe for copper service lines has no meaning. The "Type L" designation is used in ASTM B88 to specify wall thickness, and is not needed if the reference to ASTM B88 is deleted.

Response: RSPA agrees and has deleted the reference to "Type L" in the final rule. The table of wall thicknesses that was in the proposed wording is sufficient without mentioning "Type L."

Comment: With regard to the proposed revision of § 192.145, Valves, one operator questioned whether the variation in test pressure of 1.5 times the pressure rating for steel valves, 2.0 for cast iron plug valves, and 1.75 for cast iron gate and swing check valves is justified from a safety viewpoint.

Response: The final wording of § 192.145 has been changed from that proposed in the NPRM to specify a uniform ratio of test level to pressure rating for all valves (1.5) regardless of material or type of valve. This same level is required by the voluntary standards for cast iron and plastic valves that are considered "equivalent" to API 6D. A test level of 1.5 times the pressure rating, uniform with the industry standard presently used for the manufacture of plastic valves, has been set for plastic valves consistent with the level set forth in API 6D for testing of the valve shell. API 6D is the only voluntary standard referenced in the final rule. The requirement contained in the notice that cast iron valves be tested "prior to painting" has been deleted in the final rule because it is superfluous.

Comment: One industry organization and one pipeline operator recommended that RSPA use performance language in § 192.145 for gas pipeline valve design similar to that used in § 195.116 for the design of liquid pipeline valves.

Response: The suggested extensive revision to the proposed rule is beyond the scope of this regulatory action. Also, it must be recognized that the two standards differ because § 195.116 pertains only to valves intended for use in steel pipelines, whereas § 192.145 pertains to valves intended for use in pipelines made of any material. Nevertheless, RSPA has a continuing project to eliminate needless dissimilarities between Parts 192 and 195, and will consider the need for performance language in § 192.145 when this rule is reviewed for that purpose.

Comment: One pipeline operator and one valve manufacturer agreed with deletion of MSS SP–78 in § 192.145, but pointed out that the words, "or equivalent," should be retained as they have permitted the use of improved standards for valves in gas distribution systems that exceed the requirements of MSS SP–78. The comments further pointed out that the equivalent standards being used to manufacture valves for gas distribution systems are:

ANSI B16.33–1981, Manual Operated Metallic Gas Valves for Use in Gas Piping Systems Up to 125 psig (sizes ½" through 2")

ANSI B16.38–1985 Large Metallic Valves for Gas Distribution (Manually Operated, NPS 2½" to 12", 125 psig Maximum)
ANSI B16.40–1985, Manually Operated Thermoplastic Gas Shut-Offs and Valves in Gas Distribution Systems

One commenter recommended that § 192.145(b) be revised to eliminate the proposal to test each valve and rather require operators to conform to the "specifications" presently used for manufacturing these valves. The other commenter recommended that § 192.145 be revised to recognize the differences in the various valve materials by providing separate requirements for steel, ductile iron, cast iron, and plastic valves.

Response: RSPA has reviewed the three ANSI standards now in use for manufacturing valves for use in gas distribution systems and finds the testing levels to be substantially identical (1.5 times the maximum service pressure). Further, we do not agree that the requirement for testing individual valves should be eliminated, because it provides a good quality control check and demonstrates that the valves do not leak.

RSPA agrees that because of differences in the characteristics of materials used for valves, requirements of § 192.145 should recognize both similarities and differences. For instance, under the final rule, valves other than cast iron and plastic are required to meet API 6D, or equivalent. Test requirements for cast iron and plastic valves are the same. Certain additional limitations applying to the use of ductile iron valves in the current rule are retained.

Comment: One operator commented that the proposed wording of § 192.147(c) could lead to an unsafe design. The dimensions and drilling configuration of a cast iron flange is vital to make a workable joint, but the critical safety feature of a cast iron flanged component is its beam strength. The traditional method of recognizing this limitation has been to use flat-faced flanges with full-faced gaskets. The proposal should not imply that dimensions and drilling are the only safety concern, or should also mention flange facing and gasket criticality.

Response: RSPA agrees. The final rule in § 192.147(c) has been changed from the NPRM in response to the comment and the requirements of ANSI B16.1, paragraph 7.2, by adding face and gasket design to those items to which each cast iron flange must conform.

Comment: A pipeline operator stated in regard to the proposed revision of § 192.557(d) that if the design specifics of §§ 192.117 and 192.119 are removed, there is no reason to maintain standards defining how input to stress formulas should be handled.

Response: RSPA does not agree because there are cast iron and ductile iron pipelines that may be uprated. However, as a result of the misunderstanding of the purpose that is illustrated by this comment and numerous other misunderstandings of this section in the past by both industry and enforcement personnel, clarifying wording has been added to § 192.557(d) to indicate the intent. Thus, the final rule remains as proposed, except that the "Note" at the end of § 192.557(d)(3) is deleted in response to a comment, since it is superfluous and refers to two standards which are no longer referenced as a result of this amendment.

Comment: Two comments questioned whether deleting references to voluntary standards governing design would affect the MAOP permitted for existing pipelines. Under § 192.619(a) MAOP may not exceed design pressure determined under Subparts C and D of Part 192. Also, under § 192.553(d) a pipeline may not be uprated to an MAOP higher than this same design pressure.

Response: RSPA recognizes that as a result of this rulemaking, certain types of pipe or components will no longer be specifically addressed under Subparts C and D. However, other general design requirements of Subparts C and D apply for purposes of determining MAOP under §§ 192.619 and 192.553(d). These requirements apply now to older systems that were built to unknown standards. Also, if previously referenced voluntary standards were used in pipe or component manufacture, Part 192 permits the use of these standards to establish the design pressure of the component or pipe in question. (*See* § 192.7)

Impact Assessment

This final rule is considered to be nonmajor under Executive Order 12291 and is not significant under DOT Regulatory Policies (44 FR 11034, Feb. 26, 1979). Because it includes no substantive revisions that could be expected to require significant changes in operator procedures or compliance burdens, and because the economic impact would be slight, a full regulatory evaluation is not required.

The agency certifies under section 605 of the Regulatory Flexibility Act that this final rule will not have a significant impact on a substantial number of small entities.

As a result of deletion of listed standards this final rule makes a number of editorial and other clarifying changes to Parts 192 and 195 and does not impose any substantive new safety requirements exceeding those presently required by the standards being deleted.

Advisory Committee Review

The changes were considered in September 1988 by the Departments gas and liquid advisory committees, the Technical Pipeline Safety Standards Committee and the Hazardous Liquid Pipeline Safety Standards Committee, who approved them without modification.

List of Subjects

49 CFR Part 192

Cast iron pipe, Ductile iron pipe, Copper pipe, Valves, Flanges.

49 CFR Part 195

Pipeline safety, Design pressure, Specification.

In view of the foregoing, RSPA amends 49 CFR Parts 192 and 195 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.

§ 192.57 [Removed and Reserved]

2. Section 192.57 is removed and reserved.

§ 192.61 [Removed and Reserved]

3. Section 192.61 is removed and reserved.

4. Section 192.63(a) is revised to read as follows:

§ 192.63 Marking of materials.

(a) Except as provided in paragraph (d) of this section, each valve, fitting, length of pipe, and other component must be marked—

(1) As prescribed in the specification or standard to which it was manufactured; or

(2) To indicate size, material, manufacturer, pressure rating, and temperature rating, and as appropriate, type, grade, and model.

* * * * *

§ 192.113 [Amended]

5. In the table in § 192.113 the entries for the following specifications are removed: "ASTM Al34," "ASTM A135," "ASTM A139," AND "ASTM A211."

§ 192.117 [Removed and Reserved]

6. Section 192.117 is removed and reserved.

§ 192.119 [Removed and Reserved]

7. Section 192.119 is removed and reserved.

8. Section 192.125(b) is revised to read as follows:

§ 192.125 Design of copper pipe.

* * * * *

(b) Copper pipe used in service lines must have wall thickness not less than that indicated in the following table:

Standard size (inch)	Nominal O.D. (inch)	Wall thickness (inch)	
		Nominal	Tolerance
½	.625	.040	.0035
⅝	.750	.042	.0035
¾	.875	.045	.004
1	1.125	.050	.004
1¼	1.375	.055	.0045
1½	1.625	.060	.0045

* * * * *

9. In § 192.145, paragraph (a) is removed, paragraphs (b), (c), and (d) are redesignated (c), (d), and (e) respectively and new paragraphs (a) and (b) are added as follows:

§ 192.145 Valves.

(a) Except for cast iron and plastic valves, each valve must meet the minimum requirements, or equivalent, of API 6D. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those requirements.

(b) Each cast iron and plastic valve must comply with the following:

(1) The valve must have a maximum service pressure rating for temperatures that equal or exceed the maximum service temperature.

(2) The valve must be tested as part of the manufacturing, as follows:

(i) With the valve in the fully open position, the shell must be tested with no leakage to a pressure at least 1.5 times the maximum service rating.

(ii) After the shell test, the seat must be tested to a pressure not less than 1.5 times the maximum service pressure rating. Except for swing check valves, test pressure during the seat test must be applied successively on each side of the closed valve with the opposite side open. No visible leakage is permitted.

(iii) After the last pressure test is completed, the valve must be operated through its full travel to demonstrate freedom from interference.

* * * * *

10. Section 192.147 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 192.147 Flanges and flange accessories.

(a) Each flange or flange accessory (other than cast iron) must meet the minimum requirements of ANSI B16.5, MSS SP-44, or the equivalent.

* * * * *

(c) Each flange on a flanged joint in cast iron pipe must conform in dimensions, drilling, face and gasket design to ANSI B16.1 and be cast integrally with the pipe, valve, or fitting.

§192.177 [Amended]

11. In § 192.177(b)(1), the words "either API Standard 5A or" are removed.

§ 192.275 [Amended]

12. Section 192.275(e) is removed.

§ 192.277 [Amended]

13. In § 192.277, paragraph (a) is removed and paragraphs (b) and (c) are redesignated as (a) and (b), respectively.

14. Section 192.279 is revised to read as follows:

§ 192.279 Copper pipe.

Copper pipe may not be threaded except that copper pipe used for joining screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of Schedule 40 or heavier wall pipe listed in Table C1 of ANSI B16.5.

§ 192.557 [Amended]

15. In § 192.557(d) the introductory text and paragraph (d)(1) are revised to read as follows and the Note following the table in paragraph (d)(3) is removed:

* * * * *

(d) If records for cast iron or ductile iron pipeline facilities are not complete enough to determine stresses produced by internal pressure, trench loading, rolling loads, beam stresses, and other bending loads, in evaluating the level of safety of the pipeline when operating at the proposed increased pressure, the following procedures must be followed:

(1) In estimating the stresses, if the original laying conditions cannot be ascertained, the operator shall assume that cast iron pipe was supported on blocks with tamped backfill and that ductile iron pipe was laid without blocks with tamped backfill.

* * * * *

Appendix A [Amended]

16. Section II of Appendix A to Part 192 is amended by removing and reserving items (1) and (2) from subdivision A; items (3), (4), (5), (9), (12), (14), (15), (16), (17), (18), and (19) from subdivision B; items (1), (2), (3), (6), (7), and (8), from subdivision C; and (1), (3), (4), and (5) from subdivision E. The remaining items in each subdivision are renumbered in appropriate sequence.

Appendix B [Amended]

17. Section I of Appendix B to Part 192 is amended by removing the following entries: "ASTM A134—Steel pipe (1974), ASTM A135—Steel pipe (1979), ASTM A139—Steel pipe (1974), ASTM A211—Steel and Iron pipe (1975), ASTM A377—Cast iron pipe (1979), ASTM A539—Steel tubing (1979), ASTM B42—Copper pipe (1980), ASTM B68—Copper tube (1980), ASTM B75—Copper tube (1980), ASTM B88—Copper tube (1980), ASTM B251—Copper pipe and tubing (1976), and ANSI A21.52—Ductile iron pipe (1971)."

PART 195—[AMENDED]

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

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

§ 195.3 [Amended]

19. Section 195.3 is amended by removing and reserving paragraphs (c)(5) (iii), (iv), (v), and (ix).

§ 195.106 [Amended]

20. In the table in § 195.106(e), the entries for the following specifications are removed: "ASTM A134, ASTM A135, ASTM A139, and ASTM A211."

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

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 89-2542 Filed 2-3-89; 8:45 am]

BILLING CODE 4910-60-M