

Comments Favoring the NPRM

Twenty-five commenters responded to the NPRM: 2 trade associations, 20 pipeline operators, and 3 State regulatory agencies. All but one commenter agreed with amending § 192.743(b) as proposed.

Four of the commenters who favored the amendment also wanted the wording of the final regulation modified to state the conditions under which capacity need not be recalculated, as RSPA discussed in the preamble of the NPRM. This suggestion would clarify the intent of the existing requirement and is adopted in the final rule.

One of the commenters who favored the proposal made further recommendations for modification of § 192.743 that were outside the scope of the NPRM but which RSPA will consider in future regulatory review activities.

Comment Opposing the NPRM

One commenter objected to the proposed change as a "frivolous and unnecessary relaxation in safety code requirements." This commenter argued that the 15-month interval in the testing rule was provided primarily to allow for scheduling problems in running field tests and that similar problems do not arise in performing the alternative review and calculation in an office. This commenter further stated that the shorter interval for review and calculation is not an undue burden since if testing is not done, the alternative review and calculation should be done as soon as possible to provide for any needed increase in relieving capacity.

RSPA does not believe this commenter raised a substantial safety issue, since the proposal would merely place the interval for review and calculation on par with the interval now allowed for testing. As testing is the primary safety requirement (review and calculation may be done only when testing is not feasible), equating the two intervals should have no adverse effect on safety. Also, while RSPA agrees that safety should be achieved as soon as possible, the timing of an action must be considered in light of all the circumstances. In this case, requiring faster action for one safety alternative than the other creates compliance difficulties that do not appear to be offset by any demonstrable safety benefit.

Advisory Committee Review

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1673(b)), requires that each proposed amendment to a safety standard established under this statute

be submitted to a 15-member advisory committee for its consideration. The Technical Pipeline Safety Standards Committee, composed of persons knowledgeable about transportation of gas by pipeline, considered the proposed amendment to § 192.743(b) in a meeting on June 10, 1986, at Washington, DC. The Committee found the proposed amendment to be technically feasible, reasonable, and practicable.

Classification

This final rule is considered to be nonmajor under Executive Order 12291 and is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. The rule merely provides flexibility in the frequency for review and calculation of capacity of relief devices as an alternative to actual testing.

Since the impact of this final rule is expected to be minimal, the agency certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 192

Relief device, Testing, Pipeline safety.

PART 192—[AMENDED]

In view of the foregoing, RSPA amends 49 CFR Part 192 as follows:

1. The authority citation for Part 192 continues to read as follows:

Authority: 49 U.S.C. 1672; 49 U.S.C. 1604; 49 CFR 1.53 and Appendix A of Part 1.

2. Section 192.743(b) is revised to read as follows.

192.743 Pressure limiting and regulating stations: Testing of relief devices.

* * * * *

(b) If a test is not feasible, review and calculation of the required capacity of the relieving device at each station must be made at intervals not exceeding 15 months, but at least once each calendar year, and these required capacities compared with the rated or experimentally determined relieving capacity of the device for the operating conditions under which it works. After the initial calculations, subsequent calculations are not required if the review documents that parameters have not changed in a manner which would cause the capacity to be less than required.

* * * * *

Issued in Washington, DC, November 13, 1986.

M. Cynthia Douglass,
Administrator, Research and Special
Programs Administration.

[FR Doc. 86-25946 Filed 11-17-86; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Part 192

[Docket No. PS-92; Amdt. 192-54]

Transportation of Natural and Other Gas by Pipeline; Exceptions from Nondestructive Testing of Welds in Transmission Line Repair

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

ACTION: Final rule.

SUMMARY: This amendment modifies an existing rule concerning nondestructive testing of non-strength tested girth welds made in the replacement of damaged transmission lines segments. The amendment clarifies that these girth welds qualify for the same exceptions from testing as now apply to girth welds that are strength tested or are made in the replacement of pipe in transmission lines for reasons other than repair. The effect of the amendment should be to reduce repair costs and speed completion of repairs in transmission lines.

EFFECTIVE DATE: This final rule takes effect December 18, 1986.

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

SUPPLEMENTARY INFORMATION: Part 192 contains two rules that govern the nondestructive testing of girth welds made when a segment of transmission line is repaired by replacing damaged pipe. One, § 192.719(a)(2), which is directed specifically to transmission line repair, requires that "all field girth butt welds that are not strength tested must be tested after installation by nondestructive tests meeting the requirements of § 192.243." Section 192.243 sets forth procedures for nondestructive testing and percentages of welds that must be tested. The other, more general rule, § 192.214(b), requires, with certain exceptions, that all newly made girth welds in steel pipelines which are to operate at a hoop stress of 20 percent or more of specified minimum yield strength (which includes transmission lines) be nondestructively tested in accordance with § 192.243. The excepted girth welds are those that are visually inspected and approved by a qualified inspector, and (1) located in a pipeline that is less than 6 inches in

nominal diameter, or (2) if the welds are so limited in number that nondestructive testing is impractical, located in a pipeline that will be operated at less than 40 percent of SMYS. This general nondestructive testing rule, with its exceptions, applies to girth welds regardless of whether they are strength tested. The rule is also incorporated by reference in § 192.719(b), which governs the nondestructive testing of welds in several transmission line repair methods, including repair by the installation of replacement pipe.

Some operators have interpreted § 192.719(a)(2) to be more restrictive with respect to girth weld testing than § 192.241(b), because on its face it does not provide the exceptions found in § 192.241(b) and it pertains specifically to transmission line repair. By letter of February 7, 1986, the Gas Piping Technology Committee of the American Society of Mechanical Engineers (ASME) petitioned RSPA to exclude from § 192.719(a)(2) the two categories of girth welds that § 192.241(b) excepts from nondestructive testing. The rationale ASME gave for its proposal was that the two exceptions in § 192.241(b) apply to new construction, and there should be "no lessening in safety if they are also applicable to girth welds made during repair." ASME also argued that adding the exceptions would reduce costs where a nondestructive testing crew is not otherwise needed. In addition, ASME pointed out that the latest edition (1982) of the American National Standards Institute B31.8 Code, *Gas Transmission and Distribution Piping Systems*, allows pipeline operators to apply the subject exceptions to nondestructive testing of girth welds made during repair of transmission lines by pipe replacement.

RSPA had previously addressed the matter of the ASME proposal in Interpretation 81-4, dated October 2, 1981. This interpretation, which was set forth in Notice 1 (51 FR 24174, July 2, 1986) of this proceeding, held that the exceptions provided by § 192.241(b) also apply to nondestructive testing required by § 192.719(a)(2).

In view of Interpretation 81-4, the ASME proposal, and the exceptions in the B31.8 Code, RSPA proposed in Notice 1 to amend § 192.719(a)(2) by deleting the existing reference to "§ 192.243" and adding in its place "§ 192.241(b)", and by making associated editorial changes.

Sixteen persons submitted comments on the notice of proposed rulemaking (2 trade associations and 14 gas companies), and each one supported the concept of the proposal.

Two commenters, however, pointed out that if § 192.719 were amended as set out in the notice, a dual reference to the nondestructive testing standards of § 192.241 would be created (through the proposed § 192.719(a)(2) and the existing § 192.719(b)) that could be confusing. The proposed § 192.719(a)(2) reference would apply to girth welds that are *not* strength tested, while the § 192.719(b) reference applies to these welds as well as those that *are* strength tested. RSPA agrees with the two commenters that adding the reference to § 192.241(b) in § 192.719(a)(2) would create an unintended implication that non-strength tested girth welds are to be treated differently than those that are strength tested. Further, it appears that the proposed amendment to § 192.719(a)(2) would duplicate requirements of §§ 192.241(b) and 192.719(b) that now apply to non-strength tested girth welds made in the repair of transmission lines, and thus be unnecessary.

In the final rule, therefore, RSPA has revised § 192.719(a) by deleting that portion of paragraph (a)(2) that concerns nondestructive testing and combining the remainder of paragraph (a)(2) with paragraph (a)(1) to form an undivided paragraph (a) dealing with the pressure testing of replacement pipe. The purpose of this rulemaking, which is to clarify that the exceptions from nondestructive testing provided by § 192.241(b) pertain to testing of non-strength tested girth welds used to join replacement pipe in repaired transmission lines, is still achieved, since § 192.241(b) applies to these welds and the reference to § 192.241 in § 192.719(b) includes the § 192.241(b) exceptions.

Advisory Committee Review

The Technical Pipeline Safety Standards Committee, a 15-member advisory committee established under section 4(b) of the National Gas Pipeline Safety Act of 1968, considered the proposed rule at a meeting in Washington, DC on June 10, 1986. The Committee declared the proposed rule to be technically feasible, reasonable, and practicable. A transcript of the Committee's deliberation and a report of its findings are available in the docket for this proceeding.

Classification

Since this final rule will have a positive effect on the economy of less than \$100 million a year, will result in cost savings to consumers, industry, and government agencies, and no adverse impacts are anticipated, the rule is not "major" under Executive Order 12291. Also, it is not "significant" under

Department of Transportation procedures (44 FR 11034). RSPA believes that the rule will reduce the costs of repairing damaged transmission lines by reducing the number of occasions nondestructive testing is done to comply with the current rule. However, this savings is not expected to be large enough to warrant preparation of a Regulatory Evaluation.

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.

List of Subjects in 49 CFR Part 192

Pipeline safety, Welds,
Nondestructive testing, Replacement.

PART 192—[AMENDED]

In consideration of the above, RSPA amends Part 192 of Title 49 of the Code of Federal Regulations as follows:

1. The authority citation for Part 192 continues to read as set forth below:

Authority: 49 U.S.C. 1672 and 1804; 49 CFR 1.53 and Appendix A of Part 1.

2. Section 192.719(a) is revised to read as follows:

§ 192.719 Transmission lines: Testing of repairs.

(a) *Testing of replacement pipe.* If a segment of transmission line is repaired by cutting out the damaged portion of the pipe as a cylinder, the replacement pipe must be tested to the pressure required for a new line installed in the same location. This test may be made on the pipe before it is installed.

* * * * *

Issued in Washington, DC on November 13, 1986

M. Cynthia Douglass,

Administrator, Research and Special
Programs Administration.

[FR Doc 86-25947 Filed 11-17-86; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1058

[Ex Parte No. MC-41]

Identification of Motor Vehicles; Luxury-Type Limousine Passenger Service

AGENCY: Interstate Commerce
Commission.

ACTION: Final rule.