

West Virginia was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart XX—West Virginia

1. In § 52.2520, Identification of Plan, is amended by adding paragraph (c)(19).

§ 52.2520 Identification of plan.

(c) * * *

(19) Consent Order dated July 6, 1982 between National Steel Corporation, Weirton Steel Division and the West Virginia Air Pollution Control Commission submitted on July 6, 1982 by Mr. Donald R. Richardson providing for an alternate emission control plan (bubble) for the Weirton, West Virginia steel mill.

2. In § 52.2522, Approval Status, paragraph (a) is added to read as follows:

§ 52.2522 Approval status.

* * * * *

(a) The Consent Order submitted July 6, 1982 by the West Virginia Air Pollution Control Commission for the Weirton, WV plant of National Steel Corporation is approved for a period of three years to July 6, 1985 at which time the affected sources will have to comply with the applicable West Virginia State Implementation Plan requirements.

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(42 U.S.C. 7401-7642)

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Amdt. No. 195-25, Docket No. PS-75]

Transportation of Hazardous Liquids by Pipeline Weld Filler Metal

AGENCY: Materials Transportation Bureau (MTB), RSPA, DOT.

ACTION: Final rule.

SUMMARY: Section 195.220 requires that weld filler metal be as strong as the strongest piece of metal being welded. This requirement is ambiguous and redundant and is, therefore, deleted with no effect on pipeline safety.

EFFECTIVE DATE: January 10, 1983.

FOR FURTHER INFORMATION CONTACT:

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ADDRESS: Copies of this final rule may be obtained from the Dockets Branch, Room 8426, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: As part of its program to review existing regulations and eliminate those that are unnecessary for safety, MTB has reviewed § 195.220. Section 195.220 requires that "Filler metal must be at least equal in strength to the highest specified minimum yield strength of the pieces being welded and must fuse the pieces together." The review shows that this rule is ambiguous and redundant.

The rule is ambiguous because the term "filler metal," or the fusible material used in welding, may refer either to the material as it exists before welding (i.e., the welding rod) or the material after welding (i.e., the completed weld). The regulatory record (Docket No. HM-6) does not clarify the intended meaning. However, welding procedure qualification tests in common usage when § 195.220 was adopted included tests for weld tensile strength rather than for strength of the filler metal before welding. For this reason, MTB believes that the intent of the rule is to assure adequate tensile strength of completed welds.

Based on the assumption that § 195.220 regulates filler metal before usage, the American Petroleum Institute (API) petitioned the MTB (Docket P-19) on May 25, 1982, to delete the filler metal requirement. API argued that the requirement is unnecessary because under § 195.214(b), welding must be in accordance with a written procedure that has been tested to produce sound, ductile welds, and this procedure would have to specify the type of filler metal to be used. The essence of API's argument—that no additional safety in regard to filler metal is provided by § 195.220—was also the basis for not including a similar rule in Part 192 for gas pipelines. A requirement similar to § 195.220 was proposed for gas pipelines (Notice 70-1, 35 FR 112, January 28, 1970), but was rejected in the final rule document (35 FR 13248, August 19, 1970). The reason stated was "Since each welding procedure contains detailed requirements for filler metal, it is not necessary to have a separate requirement in these regulations."

If, as MTB believes, § 195.220 regulates the proper strength of completed welds, this objective also is

satisfied by compliance with § 195.214(b). To meet the performance criteria of this standard, it is common practice (namely, Section 2 of API Specification 1104, "Standard for Welding Pipelines and Related Facilities") to conduct tensile tests to assure that welding procedures will produce completed welds at least as strong as the design strength of the material being welded. Also, Part 195 prescribes other standards pertaining to welding (e.g., § 195.222) and pressure testing (Subpart E) that assure the strength of completed welds.

Therefore, because § 195.214(b) requires a written welding procedure incorporating the type of filler metal to be used and because the strength of completed welds is sufficiently regulated by § 195.214(b) and other applicable Part 195 requirements, MTB finds that § 195.220 is unnecessary for the safety of hazardous liquid pipelines.

Because a requirement similar to that of § 195.220 has been considered for gas pipelines and rejected with notice and public procedure, and the § 195.220 requirement is redundant with other Part 195 standards, good cause exists for finding that a notice of proposed rulemaking is unnecessary. Therefore, a final rule on this matter may be issued under 5 U.S.C. 553.

Since this final rule will have a positive effect on the economy of less than \$100 million a year, will result in a cost savings to consumers, industry, and government agencies, and no adverse effects are anticipated, the action is not "major" under Executive Order 12291 or "significant" under Department of Transportation procedures. Further, the available information indicates that the impact of this action is so slight that a Regulatory Evaluation to assess costs and benefits is unwarranted.

List of Subjects in 49 CFR Part 195

Pipeline safety.

PART 195—[AMENDED]

§ 195.220 [Removed]

In view of the above, Part 195 is amended by removing § 195.220.

(49 U.S.C. 2002; 49 CFR 1.53, Appendix A to Part 1)

Issued in Washington, D.C., on December 2, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

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