

Because this treasury decision affects solely Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: April 18, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
[FR Doc. 78-11761 Filed 4-28-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

**CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION**

[CGD 77-234]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Administrative Change; Los Angeles-Long Beach Marine Inspection Office Relocation

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment reflects a recent change in the Eleventh Coast Guard District. The Los Angeles-Long Beach Marine Inspection Office has been moved from Wilmington, Calif. to Long Beach, Calif., where it is now collocated with the Los Angeles-Long Beach Captain of the Port Office.

EFFECTIVE DATE: This amendment is effective on May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Capt. George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Since this amendment is related to agency organization, it is exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since this amendment is not substantive, it may be made effective in less than 30 days after publication in

the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

The Coast Guard has evaluated this final rule under the Department of Transportation Policies for Improving Government Regulations published on March 8, 1978 (43 FR 9582). Since this rule amounts to an address change, impacts are anticipated to be minimal.

DRAFTING INFORMATION

The principal persons involved with the drafting of this regulation are: Ens. G. W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lt. G. S. Karavitis, Project Attorney, Office of Chief Counsel.

In accordance with the foregoing, Part 3 of Chapter 1, Title 33 of the Code of Federal Regulations is amended as follows:

1. By amending 33 CFR 3.55-10(a) to read as follows:

§ 3.55-10 Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Area.

(a) The Los Angeles-Long Beach Marine Inspection Office and the Los Angeles-Long Beach Captain of the Port Office are located in Long Beach, California.

* * *

(Sec. 1, 63 Stat. 504; (14 U.S.C. 93).)

Dated: April 26, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-11792 Filed 4-28-78; 8:45 am]

[4910-14]

[CGD 76-212]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES AND CAPTAIN OF THE PORTS AREAS

Boundary Realignments within the Seventh Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document makes a correction to a regulation which appeared in the Thursday, January 5, 1978 edition of the FEDERAL REGISTER.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Capt. George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

The following correction is made to Part III of the FEDERAL REGISTER of January 5, 1978, appearing on page 1055:

1. On page 1056, second column, in § 3.35-20(b), in the fourth line, the words "eastern Florida" should be deleted and the word "Georgia" should be inserted in their place.

Dated: April 14, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-11788 Filed 4-28-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—PIPELINE SAFETY

[Amdts. 192-32, 195-14; Docket No. 77-10]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Qualification and Design of Steel Pipe

AGENCY: Materials Transportation Bureau.

ACTION: Final rule.

SUMMARY: This amendment updates the existing incorporation by reference of API Standard 5LS, "API Specification for Spiral-Weld Line Pipe," and API Standard 5LX, "API Specification for High-Test Line Pipe," to include in Part 192, the March 1976 Supplement and the 1977 edition of each document and in Part 195, the 1977 edition of each document.

DATE: This amendment becomes effective June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank E. Fulton, 202-426-2082.

SUPPLEMENTARY INFORMATION: This amendment makes Parts 192 and 195 conform with recent developments in the manufacture and design of steel pipe. These subjects are now regulated, in part, through an incorporation by reference of API Standard 5LS and API Standard 5LX. At present, the 1975 editions are the latest applicable editions of API 5LS and 5LX listed in Parts 192 and 195. This amendment updates the lists to include the 1977 editions in both parts and the March 1976 Supplements in Part 192.

Of particular importance is that by referencing the March 1976 Supple-

ments and the 1977 editions of API 5LS and 5LX, pipeline operators will be permitted to use Grade X-70 pipe in the transportation of gas. Grade X-70 is more economical for certain uses than other available grades of steel pipe because of its high strength, which permits the use of thinner walled pipe. It is projected for use in the pipeline approved under the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719) to transport gas from the North Slope to the lower 48 States.

The Office of Pipeline Safety Operations proposed adoption of the later editions of API 5LS and 5LX in a Notice of Proposed Rulemaking (Notice 77-7) issued on December 7, 1977 (42 FR 62397, Dec. 12, 1977). Interested persons were invited to participate in the rulemaking proceeding by submitting written data, views, or arguments by January 12, 1978. In addition, in accordance with Sec. 4(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1673(b)), the Technical Pipeline Safety Standards Committee (TPSSC) considered the proposal at its meeting in Washington, D.C., on January 17 and 18, 1978. The TPSSC's report is set forth below.

Twelve persons submitted comments in response to Notice 77-7, 3 trade associations and 9 gas pipeline companies. All the commenters favored adoption of the later editions of API 5LX and 5LS.

One person suggested that Grade X-70 pipe be required to pass the Charpy impact testing set forth in Supplementary Test SR5 in the 1977 editions of 5LS and 5LX. The SR5 test, which is intended to substantiate material quality and to mitigate the potential for brittle or shear pipe fractures, is not obligatory under the provisions of 5LS and 5LX and was not discussed in Notice 77-7. The test, therefore, could not be made binding under Part 192 or Part 195 without issuing an additional Notice of Proposed Rulemaking on the subject. Since the commenter did not submit evidence that would justify imposing the Charpy test as a general rule and the other available information does not show that potential fractures are a general problem in Grade X-70 pipe, there does not appear to be an immediate need to pursue the matter further. It is recognized, however, that under certain conditions of high stress and low temperature, the potential for fractures may increase in thin walled pipe. Under these conditions, operators are already required by the general design requirements of Parts 192 and 195 to take additional precautions (see §§ 192.53 and 195.102). Further consideration will be given to this problem in a future rulemaking proceeding on pipelines operating in low temperature environments.

Several commenters suggested that the introductory language in Section

II of Appendix A and Section I of Appendix B to Part 192 and in § 195.3(a) be amended to permit the use of components which provide a comparable level of safety but do not comply with any of the listed editions of the documents incorporated by reference. Since the safety standards were adopted, the use of items in stock or the reuse of salvagable items has been permitted only if the items meet the requirements of Part 192 or Part 195, as the case may be, and where applicable, the requirements of a listed edition of a referenced document. Although this requirement may be too inflexible in certain situations, it was not proposed to be changed in Notice 77-7 and thus cannot be changed in the final rules. However, the problem will be given further attention in the future when action is taken on a petition for rulemaking filed by the Interstate Natural Gas Association of America. This petition proposes that criteria be established for the use of materials that do not conform with any listed edition of a listed document.

REPORT OF THE TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards pertaining to gas pipelines be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the technical feasibility, reasonableness, and practicability of each proposal. This amendment to Part 192 was submitted as Item A in a list of items before the Committee at a meeting in Washington, D.C., on January 17 and 18, 1978. On March 10, 1978, the Committee filed the following favorable report. A minority report was not filed.

This communication is the official report of the Technical Pipeline Safety Standards Committee concerning the Committee's action on one amendment to 49 CFR Part 192 proposed by the Office of Pipeline Safety Operations, on revisions of Subpart I of Part 192, as proposed by Committee members, and on other matters the Committee decided should be brought to the attention of the Department of Transportation.

The following described actions were taken by the Committee at a meeting held in Washington, D.C., on January 17 and 18, 1978.

A. PROPOSAL BY OPSO TO AMEND THE REQUIREMENTS IN RESPECT TO QUALIFICATION AND DESIGN OF STEEL PIPE

OPSO proposed to amend the requirements of Appendix A and Appendix B of Part 192 pertaining to qualification and design of steel pipe as published in Notice 77-7, Docket No. 77-10. By a unanimous affirmative vote of the nine members present, the Committee found the following language to be technically feasible, reasonable and practicable.

[The language suggested is adopted in the final rules.]

NOTE.—It has been determined that this document does not contain a major regulation requiring preparation of a Regulatory Analysis under DOT procedures or Executive Order 12044.

In consideration of the foregoing, Parts 192 and 195 of Title 49 of the Code of Federal Regulations are amended as set forth below.

1. Section II of Appendix A to Part 192 is amended to read as follows:

APPENDIX A—INCORPORATED BY REFERENCE

II. Documents incorporated by reference. Numbers in parentheses indicate applicable editions. Only the latest listed edition applies except that an earlier listed edition may be followed with respect to pipe or components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

A. ***
(5) API Standard 5LS "API Specification for Spiral-Weld Line Pipe" (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

(6) API Standard 5LX "API Specification for High-Test Line Pipe" (1976, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

2. Section I of Appendix B to Part 192 is amended to read as follows:

APPENDIX B—QUALIFICATION OF PIPE

I. Listed Pipe Specifications. Numbers in parentheses indicate applicable editions. Only the latest listed edition applies except that an earlier listed edition may be followed with respect to pipe or components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

API 5LS, Steel pipe (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

API 5LX, Steel pipe (1967, 1970, 1971 plus Supp. 1, 1973 plus Supp. 1, 1975 plus Supp. 1, and 1977).

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, (49 U.S.C. 1672); for offshore gathering lines, sec. 105, Pub. L. 93-633, 88 Stat. 2157, (49 U.S.C. 1804); 49 CFR 1.53 and App. A to Part 1.)

3. In § 195.3, paragraphs (a) and (c)(1) (iv) and (v) are revised to read as follows:

§ 195.3 Matter incorporated by reference.

(a) There are incorporated by reference in this part all materials referred

to in this part that are not set forth in full in this part. These materials are hereby made a part of this regulation. Applicable editions are listed in paragraph (c) of this section in parentheses following the title of the referenced material. Only the latest listed edition applies, except that an earlier listed edition may be followed with respect to components which are manufactured, designed, or installed in accordance with the earlier edition before the latest edition is adopted, unless otherwise provided in this part.

(c) ***

(1) ***

(iv) API Specification 5LS "API Specification for Spiral-Weld Line Pipe" (1969, 1975, and 1977).

(v) API Specification 5LX "API Specification for High-Test Line Pipe" (1969, 1975, and 1977).

(Secs. 6, Pub. L. 89-670, 80 Stat. 937, (49 U.S.C. 1655); (18 U.S.C. 831-835); 49 CFR 1.53 and App. A to Part 1.)

Issued in Washington, D.C., on April 25, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation
Bureau.

[FR Doc. 78-11813 Filed 4-28-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1323]

PART 1033—CAR SERVICE

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1323).

SUMMARY: There is a shortage of tri-level auto rack flatcars on the Burlington Northern (BN) and on the Union Pacific (UP) Railroads for the shipment of automobiles. Bi-level auto rack cars are available to these railroads but cannot be used because of tariff provisions requiring the use of tri-level cars. Service Order No. 1323 authorizes the BN and the UP to substitute three bi-level cars for each two tri-level cars ordered by shippers for transporting automobiles.

DATES: Effective 12:01 a.m., April 25, 1978; expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of April, 1978.

There are shortages of tri-level type multi-level auto rack flat cars on the Burlington Northern Inc., (BN) and on the Union Pacific Railroad Co. (UP) required to transport automobiles subject to tariff restrictions requiring the use of such tri-level cars. These railroads have available supplies of bi-level cars of similar type for which could be used for transporting these automobiles if tariff provisions permitted. The economic loss suffered by shippers dependent upon the BN and the UP for their car supplies can be alleviated by the substitution of bi-level cars for tri-level cars at the ratio of three bi-level cars for each two tri-level cars ordered.

In the opinion of the Commission, present regulations and practices with respect to the use and supply of auto rack flat cars are ineffective to overcome these shortages of auto rack flat cars and an emergency exists requiring immediate action. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1323 Distribution of freight cars.

(a) Subject to the concurrence of the shipper the Burlington Northern Inc., (BN), and the Union Pacific Railroad Co. (UP) may substitute three bi-level auto rack flat cars, listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 407, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "FA" for each two tri-level auto rack flat cars ordered by the shipper for transporting automobiles.

(b) The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) *Rates and Minimum Weights Applicable.* The rates to be applied to shipments for which three bi-level cars have been substituted for two tri-level cars ordered as authorized by Section (a) of this order shall be the rates applicable to the larger cars ordered. The minimum weight to be applied to each group of three bi-level cars substituted for two tri-level cars shall be the combined minimum weights applicable to the two tri-level cars ordered.

(d) *Billing to be Endorsed.* The carrier substituting smaller cars for larger cars as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Two tri-level cars ordered. Three bi-level cars furnished authority I.C.C. Service Order No. 1323.

(e) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(f) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(g) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(h) *Effective date.* This order shall become effective at 12:01 a.m., April 26, 1978.

(i) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-11787 Filed 4-28-78; 8:45 am]