

farmers and workers, coverage of general events in the community and also to provide a new local competitive advertising outlet for retail business in Wellington and Sumner County. Petitioner reaffirmed its intention to apply for the channel, if assigned.

3. We believe that the public interest would be served by the assignment of Channel 228A to Wellington, Kansas. A demand has been shown for its use and such an assignment would provide the community with its first full-time local aural broadcast service. It can be made without affecting any existing assignment and would be consistent with the applicable minimum spacing requirements.

4. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

§ 73.202 [Amended]

5. Accordingly, it is ordered, That effective August 15, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

| | |
|-------------------|----------------|
| City | Channel No. |
| Wellington, Kans. | 228A |

6. It is further ordered, That this proceeding is terminated.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 77-19654 Filed 7-8-77; 8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-151, Amdt. Nos. 171-36, 172-37]

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Label and Placard Colors; Hazard Numbers

Correction

In FR Doc. 77-18888 appearing at page 34283 in the issue for Tuesday, July 5, 1977, in the last paragraph of the document, first column, page 34288; the incorporation by reference date, now reading "July 30, 1977", should read "June 30, 1977".

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY OPERATIONS

[Amdt. 192-28; Docket No. OPSO-37]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Corrosion Control for Metal Alloy Fittings in Plastic Pipelines

AGENCY: Materials Transportation Bureau, Office of Pipeline Safety Operations, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment permits the use of certain metal fittings in plastic pipelines without coating, cathodic protection, and monitoring when adequate external corrosion control is provided by alloyage. The full safety and economic advantage of these fittings cannot be realized under the present rule because of the cost and burden of providing cathodic protection and frequent monitoring.

EFFECTIVE DATE: This amendment becomes effective on August 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph T. Simmons (202-426-2392).

SUPPLEMENTARY INFORMATION: On September 22, 1976, the Materials Transportation Bureau (MTB) issued a notice of proposed rulemaking, Notice No. 76-1, (41 FR 42221, September 27, 1976), to exempt certain alloy fittings installed in plastic pipelines from the external corrosion control requirements of § 192.455. To qualify for exemption, it was proposed that the fittings be small, electrically isolated, and designed to prevent leakage caused by localized corrosion pitting, and that the operator demonstrate that adequate corrosion control is provided by alloyage. Interested persons were invited to submit written data, views, or arguments by November 1, 1976.

There were 24 persons who submitted written comments to Notice No. 76-1: 19 natural gas distribution companies, 3 state regulatory agencies, 1 trade association, and 1 manufacturer of fittings. All 24 commenters were favorable, in general, to the proposed amendment. A discussion of the significant comments which suggested that changes be made to the proposed amendment and the disposition of those comments in developing the final rule is contained in the "Discussion of the Comments" section of this preamble. Comments which suggested rule changes outside the scope of the proposed notice are not discussed but may be considered by the Materials Transportation Bureau (MTB) in any future rulemaking on corrosion control. Also, editorial changes in the final rule which do not alter the substance of the proposal are not discussed herein.

Discussion of comments. With regard to the term "small" in the proposed § 192.455(f), five commenters suggested that it either be deleted or defined since the term "small" without definition would be open to individual interpretation and could result in a nonuniform application of the regulations. Alternatively, these commenters suggested that the size of the fittings be limited to six inches or less in diameter and 12 inches or less in length. The commenters contend that such size would be sufficiently small to protect against electrolytic corrosion provided a fitting is electrically isolated. Five other commenters stated that any exemption of fittings should not be restricted by size. These commenters suggested that such a restriction

would be unnecessary in view of the size limitations effectively placed on the use of plastic pipe in gas service by the available joining methods and by the cost of materials. (Presently, 12-inch diameter plastic pipe is the largest normally used in gas service.) These commenters also pointed out that the most relevant test of safety would be meeting the proposed requirement to demonstrate that corrosion is not a problem. Further, on this point, the Technical Pipeline Safety Standards Committee (TPSSC) stated that a size limitation might restrict the application of new technology and that adequate protection would be provided by requiring the operator to show by tests, investigation, or experience that adequate corrosion control is obtained through alloyage.

In the Notice, MTB noted that the term "small" is rather indefinite and requested specific comments on adoption of the term or any comparable restriction in the final rule. The term was included in the Notice because of evidence indicating that small components are not as susceptible to corrosion as larger ones. However, after considering all relevant information, MTB now believes that adoption of the term "small" could result in nonuniform application of § 192.455 and has deleted it in the final rule. Also, a size limitation is effectively created by present technology and economics related to the use of plastic pipe.

More significant than size, however, in protecting against corrosion is the fact that as discussed hereafter the operator would be required under § 192.455(f)(1) to show by tests, investigation, or experience that adequate corrosion control is provided by alloyage of the fitting material. To ensure that this restriction is appropriately applied in view of the deletion of the word "small" in the final rule, the proposed § 192.455(f)(1) is modified by the phrase "for the size of fitting to be used." This modification is consistent with a change recommended by the TPSSC.

Twelve commenters and the TPSSC felt that the word "metallic" should be substituted in the final rule for the word "alloy" used in the proposal. These commenters contend that metals other than Type 316 stainless steel are corrosion resistant and could do an equally satisfactory job in protecting against corrosion. Although the petition upon which Notice 76-1 was based referred to Type 316 stainless steel fittings, the proposed amendment was written to provide for the use of any alloy material that can provide the necessary corrosion resistance. Therefore, MTB has not adopted this proposed word change in the final rule. Also, in this regard, the TPSSC suggested that the word "fitting" be replaced by "component." This comment was not adopted, however, because the word "component" has a broader connotation than was intended by use of the word "fitting" in the Notice.

Five other commenters and the TPSSC suggested that the words "by alloyage" in the proposed § 192.455(f)(1) should be omitted. They argue that subpara-

graph (f) (1) would establish a good performance standard without the words "by alloyage" since the most important consideration is prevention of corrosion failures. Although this argument may be true, this comment was not adopted because the word "alloyage" is necessary to provide a definitive description of the type of corrosion control which is intended to qualify fittings for an exemption under § 192.455(f).

Nine commenters suggested that the proposed limitation under § 192.455(f) (2) (that a fitting be designed to prevent leakage due to corrosion pitting) either be deleted or adopted as an alternative to the proposed restriction of § 192.455(f) (1). Three commenters contended that in complying with either subparagraph (f) (1) or (f) (2), the corrosion problem is resolved.

MTB does not agree with these comments and for the following reasons did not adopt them in the final rule. Considering the lack of performance data available for the alloy fittings which might be used to qualify for an exemption from the cathodic protection and coating requirements of § 192.455(a), the variable corrosivity conditions in which fittings might be installed, and imprecise corrosivity measurement techniques available, MTB believes that an initial determination of the protection afforded by alloyage may not provide a sufficient, long-term safeguard against corrosion. As an additional factor in providing long-term protection, MTB believes that the fitting must also be "designed" to prevent any leakage that may be caused by localized corrosion.

Furthermore, for these same reasons relating to the possible uncertainty of future corrosion control performance, the final rule is changed by adding a subparagraph (f) (3) to require that each operator be able to identify the location of each fitting installed under § 192.455(f). This additional requirement appears necessary to protect the public interest, and it is consistent with the requirement of § 192.491 that an operator know the location of all cathodically protected piping. Subparagraph (f) (3) is intended to provide for any future inspection, repair, or replacement that might be required as a result of future rulemaking should any new information indicate a need for such remedial action.

In addition, MTB requests that operators voluntarily report the condition of any alloy fitting installed under § 192.455(f) which is uncovered for any reason. MTB is interested in receiving reports on corrosion performance of the fittings, especially any leakage of a fitting that is not required to be reported under §§ 191.5 and 191.9 of this chapter, and the number of fittings installed. These reports could be submitted by operators in letter form and need not be submitted more often than once a year, unless the operator desires to report more frequently. MTB expects that information obtained through the voluntary reporting may serve as a basis for a future rulemaking action either to relax the restric-

tions applicable to exemption under § 192.455(f) or to prescribe any necessary remedial measures, as the case may be.

Regarding the proposed § 192.455(f) (2), the TPSSC further suggested that the term "corrosion pitting" be replaced by "corrosion attack." This comment was not adopted for the sake of consistency since the term "corrosion pitting" is used elsewhere in Part 192.

Another commenter thought that an operator should not have to use tests, investigation, or experience "in the area of application" to show under § 192.455(f) (1) that alloy fittings provide adequate corrosion control. This commenter alleged that the testing, investigation, or experience in the corrosion studies reported in the National Bureau of Standards (NBS) Circular No. 579 and two California field studies mentioned in the Notice are sufficient to allow a general exception without the need for an individual finding by each operator.

MTB does not agree. The NBS study compares the performance of certain materials under a limited number of environments. It did not establish a means to quantitatively measure the corrosivity of any environment in which a material might be used. Also, the two field studies conducted in California do not have universal application to all soils. Those studies are more indicative of local conditions. They include the type of testing and investigation that an operator might conduct in an area to determine whether fittings are adequately protected against corrosion by alloyage. For these reasons, MTB did not adopt the suggested change in the final rule.

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." The proposed amendment was submitted to the Committee as Item A-1 in a list of two proposed amendments at a meeting in Washington, D.C., on December 16 and 17, 1976. A minority report was not submitted.

On February 3, 1977, the Committee filed the following favorable report:

This communication is the official report of the Technical Pipeline Safety Standards Committee concerning the Committee's action on two amendments to 49 CFR Part 192 proposed by the Office of Pipeline Safety Operations and other matters which 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 December 16 and 17, 1976.

Item A-1 of the agenda was a proposal by OPSO to revise § 192.455, External corrosion control. By an affirmative vote of 12-1 the Committee found that the following language for § 192.455 is technically feasible, reasonable, and practicable.

(The language suggested is adopted in the final rule except as discussed in the "Discussion of Comments Section" above.)

PRINCIPAL AUTHORS

Ralph T. Simmons, Regulations Specialist, George Mocharko, Staff Engineer, and Robert L. Beauregard, Attorney, Office of the General Counsel.

In consideration of the foregoing, § 192.455 of Title 49 of the Code of Federal Regulations is amended by amending paragraph (a) and adding a new paragraph (f) to read as follows:

§ 192.455 External corrosion control: buried or submerged pipelines installed after July 31, 1971.

(a) Except as provided in paragraphs (b), (c), and (f) of this section, each buried or submerged pipeline installed after July 31, 1971, must be protected against external corrosion, including the following:

(f) This section does not apply to electrically isolated, metal alloy fittings in plastic pipelines if—

(1) For the size fitting to be used, an operator can show by tests, investigation, or experience in the area of application that adequate corrosion control is provided by alloyage;

(2) The fitting is designed to prevent leakage caused by localized corrosion pitting; and

(3) A means is provided for identifying the location of the fitting.

(49 USC 1672; 49 CFR 1.53(a).)

Issued in Washington, D.C., on July 1, 1977.

ALAN A. BUTCHMAN,
Acting Director, Materials
Transportation Bureau.

[FR Doc. 77-19421 Filed 7-8-77; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE [Ex Parte No. 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

Expanded Definition of Term "Securities"
AGENCY: Interstate Commerce Commission.

ACTION: Amended application form.

SUMMARY: The Interstate Commerce Commission upon further consideration, adopted certain changes in the additional information required to be submitted with applications for authority by rail and motor carriers to insure compliance with antitrust statutes. The required statement as to the applicant's compliance with section 10 of the Clayton Act will be restricted to the transaction which is the subject of the application.

EFFECTIVE DATE: Stayed pending further order of the Commission.