

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: February 27, 1976.

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Approved: March 25, 1976.

DAVID MATHEWS,  
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[FR Doc. 76-9155 Filed 3-30-76; 8:45 am]

#### Title 49—Transportation

### CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER D—PIPELINE SAFETY

[Docket No. OPS-32; Amdt. 192-24]

### PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; MINIMUM FEDERAL SAFETY STANDARDS

#### Emergency Plans

This amendment to Part 192 clarifies and delineates the existing requirement of § 192.615 that an operator prepare and execute an emergency plan. The purpose of the amendment is to provide that operators take more prompt, effective action in responding to an emergency involving or likely to involve a gas pipeline facility.

To allow lead time for any needed revision of existing emergency plans and associated training of appropriate personnel, the amended requirements for emergency plans do not become applicable until October 1, 1976. Until then, the present requirements of § 192.615 remain in effect.

The Office of Pipeline Safety (OPS) issued Notice 75-1 (40 FR 13317, March 26, 1975), proposing this amendment. However, after Notice 75-1 was issued, OPS was abolished, and authority to administer pipeline safety matters was delegated to the Director of the newly established Materials Transportation Bureau (MTB) (40 FR 30821, July 23, 1975).

As explained in the Notice, pipeline failure reports submitted by operators under Part 191 of this title, accident investigations conducted by the Department and State agencies participating under section 5 of the Natural Gas Pipeline Safety Act of 1968, and reports of accident investigations conducted by the National Transportation Safety Board (NTSB) have indicated that many operators have inadequate emergency plans or do not properly carry out their plans. This failure to properly prepare and execute an emergency plan can contribute to the occurrence of an accident or the resultant damage. In developing the proposal, OPS also considered drafts of Addendum 10 to the American Society of Mechanical Engineers' "Guide for Gas Transmission and Distribution Piping Systems." This document provides extensive guidelines for preparing, maintaining, and conducting proper emergency plans.

Interested persons were invited to participate in making the proposed amendment by submitting written comments by May 9, 1975. There were 49 respondents who commented on Notice 75-1. Only one agreed totally with the terms of the proposed amendment, while most commenters suggested changes to individual paragraphs.

Several comments to the proposed § 192.615(a) stated that because the specific emergency procedures to be followed might not apply in all situations, more performance language should be used or the performance language of the existing rule should be retained. However, MTB agrees with those commenters who supported the need to amend § 192.615(a) to list a minimum number of essential points that must be considered by operators in formulating and conducting their planned response to gas pipeline emergencies. The items listed in the final § 192.615(a) (1)-(10) do not cover every action that should be taken in advance of or during an emergency situation. Rather, the list represents actions that are generally applicable. In accordance with the final § 192.615(a), it is the responsibility of each operator to consider the potential emergencies that may be anticipated on its system, and include appropriate response procedures in its emergency plan.

Some commenters suggested that the final rule include a definition of the term "emergency." MTB believes, however, that to provide for the broadest possible application, the term should be used in its ordinary sense.

There were also comments suggesting that § 192.615 include a requirement for periodic review and updating of the emergency plan. In light of these comments, MTB would like to mention that § 192.13(c) now requires operators to maintain and modify as appropriate the plans they are required to establish under Part 192.

Comments to the proposed § 192.615(a) (2) pointed out that in areas where local fire and police officials do not exist, it would be impossible to establish the proposed means of verbal communication. As a result of these comments, the final rule provides that the communication must be with "appropriate fire, police, and other public officials."

Most operators who commented on the proposed requirement to have procedures for at least "two means of verbal communication" thought that telephone and radio would be the only acceptable methods. They pointed out, however, that these methods might be unreliable in a natural disaster and that messengers or any other prompt, effective method of communication should be acceptable. MTB concurs with this comment. The Technical Pipeline Safety Standards Committee (Committee) discussed this point in its meeting on November 19, 1975. The Committee agreed with the intention of the proposed § 192.615(a) (2) which was to assure communication between the necessary parties during an emergency regardless of the means of

communication. As a result of the comments and the Committee's recommendations, the proposed § 192.615(a) (2) has been further changed in the final rule to require procedures for establishing and maintaining "adequate means of communications" rather than "two means of verbal communication" with officials.

In the final § 192.615(a) (4), the word "ensuring," used in the Notice, has been omitted because, as commenters indicated, no written plan can necessarily "ensure" the availability of personnel and materials at the scene of an emergency.

Several commenters to § 192.615(a) (5) stated that arranging for mutual assistance with other operators and pipeline contractors should not be required, even though it may be used as a means of complying with § 192.615(a) (4). Reasons given for this comment were that many operators are self sufficient, an arrangement would involve contractual complications and liability risks, and other operators or contractors, may not be available. As a result of these comments, the proposed § 192.615(a) (5) has been deleted in the final rule.

There were two significant comments on proposed § 192.615(a) (7) concerning emergency shutdown of any section of a system to minimize an actual or potential hazard. One pointed out that the term "potential hazard" presents a difficult problem of interpretation. The second pointed out that a written procedure for an emergency shutdown of each line in a system is unrealistic and may result in creating potential hazards. The intention of proposed § 192.615(a) (7) was to provide for general shutdown procedures which would apply to any area rather than to require the preparation of shutdown procedures for specific lines. The wording of the final rule has been changed to clarify this intent and redesignated as § 192.615(a) (6). Also, the final rule requires the plan to cover pressure reductions in addition to shutdowns to provide for cases where shutdowns are inappropriate.

A few comments suggested that the proposed § 192.615(a) (8), which would have required procedures for locating and eliminating a gas hazard, related to routine operations and need not be covered by regulations governing an emergency plan. As a consequence, wording that more clearly relates to the purpose of the proposal, "making safe any actual or potential hazards," has been adopted in the final rule, which is redesignated as § 192.615(a) (7).

Eleven commenters suggested changing the proposed § 192.615(a) (9) to read "notify appropriate emergency personnel," alleging that the persons to be notified should be limited to those who are needed in an emergency situation. These commenters also stated that in many areas the "officials" to be notified as provided in the Notice do not exist. MTB has changed the final rule, therefore, to provide that only "appropriate fire, police, and other public officials" must be

notified. MTB also believes that the final rule, which is redesignated as § 192.615 (a) (8), should refer to "fire" and "police" officials rather than "emergency personnel" to ensure that officials who are able to contribute to alleviating an emergency are notified when they are available.

One commenter suggested with regard to the proposed § 192.615(a) (10) that requiring the preparation of procedures for "locating" a service outage would be superfluous, if an operator also must have procedures for "safely restoring any service outage." MTB agrees, and has deleted the word "locating" in the final rule, which is redesignated as § 192.615(a) (9).

The proposed § 192.615(a) (11) is not changed in the final rule, but is redesignated as § 192.615(a) (10).

Eleven comments to the proposed § 192.615(b) (1) and (2) indicated that it would not be useful to furnish all operating and maintenance employees copies of relevant portions of emergency procedures and train them to carry out the procedures. Rather, these commenters suggested that only supervisors be furnished copies of the emergency procedures and that "responsible personnel" be trained to assure the procedures are followed in an emergency. Supervision and training are the key to adequate performance by an operator's personnel under emergency conditions. MTB believes that the changes suggested by commenters are consistent with this view and would result in more efficient training. The final rule is changed accordingly. The final rule also contains a Committee suggested change that the testing of personnel proposed by the notice would be too onerous and that an operator need only "verify" that its personnel are appropriately trained.

Section 192.615(b) (3) in the notice would have required an operator to "monitor" employee activities to "ensure" that the emergency procedures are effectively followed in an emergency. The Committee pointed out that this proposal could be construed to require that "monitors" stand by and evaluate emergency response personnel during an emergency. This construction was definitely not intended since all personnel available at the scene should be working to eliminate an emergency. As a result, in the final rule, the word "monitor" is changed to "review" and the words "ensure that" are changed to "determine whether." These changes result in a requirement that an operator judge the performance of its personnel after the emergency is over.

The proposed § 192.615(c) (1) would have required operators to learn the responsibility and capability of each government organization that may respond to an emergency. Comments suggested that the term "capability" should be defined or deleted since it would be possible to determine the personnel and equipment available but not the extent and quality of training or probable performance. In addition, commenters

stated that the cost/benefit ratio would be excessive and it may be impossible to maintain knowledge of the continually changing responsibility and capability of each government agency, particularly for those operators who do business in many communities. MTB concurs with these comments as they relate to learning the capabilities of government agencies. Because of budgetary and management reasons, an agency's ability to carry out a given responsibility may vary, so that an operator's information is not reliable. MTB does not believe, however, that it would be difficult or burdensome for operators to know the responsibilities of government agencies that would be involved in an emergency. This knowledge, even though subject to change, should aid operators in determining the extent of assistance they can expect in an emergency. Therefore, as finally adopted, § 192.615(c) (1) requires that operators learn the "responsibility and resources" of government agencies.

Several commenters objected to the use of the word "continuous" in the proposed § 192.615(d) regarding establishment of a continuous educational program for recognition and reporting of a gas pipeline emergency. These commenters suggested that the word "continuing" be used instead of "continuous" to allow more flexibility regarding the frequency and detail of an effective educational program. Another commenter suggested replacing the words "and report" with "for the purpose of reporting" since an educational program is intended to enable people to recognize an emergency for the purpose of reporting it. MTB agrees with these suggestions and has changed the wording of the final rule accordingly.

Three industry associations and one operator indicated that the proposed educational requirements in § 192.615(d) would be more appropriate for urban areas and distribution systems than for interstate transmission pipelines. In support of this comment, they noted that the preamble to the notice discussed NTSB recommendations which relate to distribution incidents. MTB believes, however, that it is important for interstate operators to continue to establish and carry out educational programs as they are now required to do by existing § 192.615. The proposal was merely intended to clarify that the programs must effectively reach all areas in which the operators transport gas. Moreover, the language of the final rule is flexible enough so that an interstate operator may tailor its program to suit the needs of the area in which it operates.

Some commenters to § 192.615(d) indicated that English may not be spoken by a significant portion of the population in a given area, and in those areas, conducting a program in English would not be necessary. MTB disagrees with this comment because English is the language predominantly spoken in the United States, and even in those areas where English is not spoken by a significant portion of the population, there

are likely to be some English speaking people. Other comments regarding the proposal that the program be conducted in multiple languages, where necessary, suggested that this requirement should only apply where a group speaking a language other than English represents a specific percentage of the population. MTB does not concur with this comment because of the difficulty and arbitrariness in choosing an appropriate numerical percentage.

The proposal regarding multi-language educational programs was also discussed by the Committee. The Committee recommended that the program be conducted in languages other than English where those languages "are commonly used by a significant number and concentration of the non-English speaking people." The purpose of this suggestion was to clarify and limit the places where a program must be conducted in languages other than English. MTB concurs with the Committee's recommendation and has incorporated it 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 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 to the Committee as Item A-3 in a list of four proposed amendments.

On December 10, 1975, the Secretary of the Committee, Louis W. Mendonsa, filed the following report:

"Item A-3 of the agenda proposed a revision to Section 192.615, Emergency Plans. The Committee voted (8 affirmative, 1 not voting) to find a modification of the rule proposed by the Office of Pipeline Safety Operations, as set forth in the transcript on the two pages following transcript page 261, to be technically feasible, reasonable and practicable."

The Committee's modification to the proposed rule is incorporated in the final rule as set forth below.

In consideration of the foregoing, § 192.615 is revised to read as follows effective October 1, 1976:

#### § 192.615 Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

(1) Receiving, identifying, and classifying notices of events which require immediate response by the operator.

(2) Establishing and maintaining adequate means of communication with appropriate fire, police, and other public officials.

(3) Prompt and effective response to a notice of each type of emergency, including the following:

(i) Gas detected inside or near a building.

(ii) Fire located near or directly involving a pipeline facility.

(iii) Explosion occurring near or directly involving a pipeline facility.

(iv) Natural disaster.

(4) The availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.

(5) Actions directed toward protecting people first and then property.

(6) Emergency shutdown and pressure reduction in any section of the operator's pipeline system necessary to minimize hazards to life or property.

(7) Making safe any actual or potential hazard to life or property.

(8) Notifying appropriate fire, police, and other public officials of gas pipeline emergencies and coordinating with them both planned responses and actual responses during an emergency.

(9) Safely restoring any service outage.

(10) Beginning action under § 192.617, if applicable, as soon after the end of the emergency as possible.

(b) Each operator shall—

(1) Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of this section as necessary for compliance with those procedures.

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

(3) Review employee activities to determine whether the procedures were effectively followed in each emergency.

(c) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to—

(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;

(2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;

(3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and

(4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

(d) Each operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721 (49 USC 1672); 40 FR 43901, 49 CFR 1.53.)

Issued in Washington, D.C., on March 25, 1976.

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Materials Transportation Bureau.

[FR Doc.76-9012 Filed 3-30-76;8:45 am]

[Docket No. OPS-33; Amdt. 192-23]

# PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; MINIMUM FEDERAL SAFETY STANDARDS

## Protecting Cast-Iron Pipelines

This amendment to Part 192 adds a new § 192.755 to Title 49 of the Code of Federal Regulations concerning protection of buried cast-iron pipelines. The new rule requires an operator to provide protection against the potential for damage which arises when the support for a buried cast-iron pipeline is disturbed, either by the operator or otherwise.

On June 23, 1975, the Director, Office of Pipeline Safety (OPS) issued Notice 75-3 (40 FR 27244, June 27, 1975), proposing that § 192.755 be added to the existing regulations in Part 192. After Notice 75-3 was issued, the OPS was abolished, and authority to administer pipeline safety matters was delegated to the Director of the newly established Materials Transportation Bureau (MTB) (40 FR 30821, July 23, 1975).

Interested persons were afforded an opportunity to participate in the rule making by submitting written information, views, or arguments by August 11, 1975. Forty-seven commenters responded to the Notice. The comments received as a result of the Notice have been fully considered by the MTB in developing the final rule. Significant comments are discussed herein.

The wording of the final rule varies from the proposal to make it clear that in protecting a cast-iron pipeline after it is disturbed, an operator may provide protection of a temporary nature during the disturbance before permanently protecting the pipeline as soon as feasible thereafter. Although the proposed rule would have permitted the use of temporary and permanent means for protecting disturbed pipe, MTB agrees with the recommendation of the Technical Pipeline Safety Standards Committee (Committee) that to enhance the clarity of the rule, it should be written in terms relating to the expected duration of the means of protection. The Committee recommended that an operator be free to use means of protection on a temporary basis which may differ from those selected for long-term protection, depend-

ing on the type of disturbance and surrounding circumstances.

The final rule is further changed to provide that permanent protection for disturbed cast-iron pipe must include, but is not necessarily limited to, compliance with the applicable requirements of §§ 192.317(a) and 192.319, and 192.361 (b)-(d). These requirements, which relate to protecting the pipeline from external loads and backfilling, are referenced to ensure a minimum level of protection. Greater protection may be indicated by the circumstances surrounding the pipeline that is disturbed.

MTB agrees with the commenters who suggested that the word "portion," used several times in the proposed rule, should be changed to "segment." The use of the word "segment" to describe the part of the pipeline that when disturbed must be protected is consistent with the language used in other sections of subpart M., i.e., §§ 192.703, 192.709, 192.715, and 192.719.

MTB also agrees with the commenters who suggested that the words "earth movement" be substituted for the words "unstable soil" in paragraph (c) of the rule as proposed in Notice 75-3. The term "earth movement" is the terminology used by industry in referring to the hazard of unstable soil and is consistent with the reporting requirements expressed by Department of Transportation forms DOT F 7100.1 and DOT F 7100.2.

The proposed rule would have required that an operator take protective action when it "knows or should know" that support for a buried cast-iron pipeline is disturbed. A large majority of the commenters requested the deletion of the words "or should know" from the final rule. They stated that the inclusion of the words "or should know" is confusing because it is uncertain to what lengths an operator must go to learn of support disturbance. MTB has deleted the words "know or should know" and has replaced them with the words "has knowledge." MTB continues to believe that an operator may acquire knowledge of disturbance while conducting required patrols and leakage surveys as well as by other means of notice.

Several commenters stated that the rule should apply to situations where support for a cast-iron pipeline is to be disturbed in the future. To accomplish this the Committee recommended that the language of the rule require that an operator take protective action when the operator "has knowledge that the support for a segment of a buried cast-iron pipeline may be or has been disturbed." (emphasis added).

MTB does not agree with this recommendation. The rule, as adopted and as proposed in the Notice, requires protective action as soon as an operator knows that the support for cast-iron pipe is disturbed. An operator may know of impending construction activity that will disturb the support of cast-iron pipe but