

that is "not affected by loss of air pressure." This design also satisfies the emergency brake requirements for trailers (S5.8) by using a separate air pressure supply to control the spring. In the event of a rupture or leak in the trailer supply line, the spring is released and the emergency braking capability is automatically applied as required by S5.8.

This arrangement can interfere with easy handling of trailers in marshalling yards, because disconnection of the truck-tractor from the trailer depletes the air in the trailer supply line and causes automatic application of the spring brake. The standard does require an "isolated" air reservoir (S5.2.1.1) to supply pressure to control the spring in the event all service air pressure is lost but the pressure is controlled from the towing vehicle. A railroad company sought confirmation that a manual valve could be installed on the isolated reservoir to permit easy release of the spring brake, and the NHTSA agreed that this valve conforms to the standard, as long as the system reverts to normal operation when the service air supply is reconnected for highway travel.

Utility Trailer Manufacturing Company, a manufacturer of specialized bulk agricultural commodity transport trailers, has indicated that the manual valve arrangement is not adequate for marshalling of its vehicles, because they stand idle for periods of a week and the air supply of the isolated reservoir leaks down, leaving the spring applied with no energy source for release. Unlike railroad terminal operations, the farm tractor which tows the trailer to the field is not equipped with air brakes to recharge the isolated reservoir. For these reasons, Utility has requested a year's exclusion from the parking brake requirements for its trailers.

The trailer parking braking requirements, which specify application and holding by a means other than air, are an important advance in air brake systems, which are susceptible to rupture and leakage. As an engineering matter, NHTSA recognizes that solutions exist for the particular problem faced in use of Utility's trailers.

At the same time, it is arguable that the standard does not now provide adequately for the problem faced by these vehicles. Utility has indicated that it did not seek a solution for the problem because the company believes in good faith that the trailers are excluded from the requirements of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.) as agricultural machinery. Utility appears to have made early and conscientious efforts to comply with the standard in the case of those vehicles which it believed to be motor vehicles.

The NHTSA has determined that a relatively small number of vehicles are involved in the proposed exclusion, and that the loss of safety benefit would be correspondingly small. It is noted that these vehicles would be required to meet any applicable Bureau of Motor Carrier Safety regulations for secondary braking

systems, to the degree that Standard No. 121 would not cover this aspect of performance. The NHTSA therefore tentatively concludes that the Utility petition should be granted for a period of one year.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

§ 571.121 [Amended]

1. S5.6 would be amended to read:

S5.6 Parking brake system. Each vehicle other than a trailer converter dolly, or a trailer manufactured before January 1, 1976, that is designed to transport bulk agricultural commodities from the field to a processing plant or storage location, shall have a parking brake system that under the conditions of S6.1 meets the requirements of S5.6.1 or S5.6.2, at the manufacturer's option, and the requirements of S5.6.3 and S5.6.4.

2. The first sentence of S5.8 would be amended to read:

S5.8 Emergency braking capability—trailers. Each trailer other than a trailer converter dolly, or a trailer manufactured before January 1, 1976, that is designed to transport bulk agricultural commodities from the field to a processing plant or storage location, shall have a parking brake system that conforms to S5.6 and that applies with the force specified in S5.6.1 or S5.6.2 when the air pressure in the supply line is at atmospheric pressure.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: April 21, 1975.

Proposed effective date: Date of publication in the FEDERAL REGISTER of the final rule.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on March 20, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc. 75-7844 Filed 3-25-75; 8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice No. 75-1; Docket No. OPS-32]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Emergency Plans

The Office of Pipeline Safety (OPS) proposes to revise § 192.615 to clarify and delineate the existing requirement that an operator prepare and execute an emergency plan. An emergency plan is necessary to provide for a timely and appropriate response by an operator in an emergency involving or likely to involve a gas pipeline facility.

The existing requirements in § 192.615 have been in effect since November 12, 1970 (35 FR 13248). They are based in part on the recommended standards in section 850.6 of the 1968 edition of the United States of America Standards Institute B31.8 Code.

OPS analyzes the pipeline failure reports submitted by operators under 49 CFR Part 191 and the pipeline accident investigations which it conducts as well as those of State agencies participating under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672). These analyses show that, in many cases, timely or appropriate action is not taken by operators to minimize the hazards or damage due to gas pipeline emergencies. The analyses further indicate that many operators have inadequate emergency plans or do not properly carry out their plans. In addition, OPS believes that many operators do not understand what must be included in an emergency plan to limit the adverse effects of a gas pipeline emergency.

The National Transportation Safety Board (NTSB) has pointed out in various pipeline accident reports that an operator's failure to properly prepare and execute an emergency plan contributed to the occurrence of the accident or resultant damage. The NTSB has made several recommendations to change § 192.615 to improve the effectiveness of the emergency plans. These recommendations have been considered by OPS in developing the rule changes being proposed. They concern:

1. A program to educate customers, the public, government organizations, and persons conducting excavation activities to recognize and report gas pipeline emergencies (Recommendation Nos. 70-P-29 and P-74-11).

2. Handling emergency calls, and having an alternative method of communication available when the method normally used is interrupted or overloaded (Recommendation Nos. 70-P-32, P-72-42, and P-72-43).

3. Notifying fire and police officials and other appropriate public officials of gas pipeline emergencies, and coordinating planned and actual activities with them (Recommendation Nos. P-72-35 and P-72-44).

4. Timeliness of an operator's investigation to determine the probable cause of an accident (Recommendation Nos. 68-P-1 and 70-P-29).

5. Availability of equipment and tools to employees likely to be first at the scene, including means for locating and operating emergency valves (Recommendation No. P-73-4).

6. Plans to rapidly shut down any part of the system to minimize the effect of a hazardous situation (Recommendation Nos. 71-P-1, P-72-41, P-73-2, P-73-4, and P-74-18).

7. Acting at the scene of an emergency to protect people first and then property, and to find and eliminate any hazard (Recommendation No. P-74-20).

In addition to the NTSB recommendations, OPS considered drafts of an Addendum 10 to the American Society of Mechanical Engineers' "Guide for Gas Transmission and Distribution Piping Systems" in developing the proposed amendment. Addendum 10 provides extensive guidelines to assist in preparing, maintaining, and conducting proper emergency plans under § 192.615. Although prepared for the existing rule, OPS believes the guidelines are compatible with the amendment being proposed.

OPS realized when § 192.615 was adopted, that more detailed requirements might be necessary for emergency plans. However, at that time, OPS did not have enough pipeline safety data to develop Federal standards appreciably different from those developed by the industry. OPS also felt that development of a more comprehensive standard should be based on experience in administering the existing requirement. OPS now has that experience and has obtained additional safety data through its pipeline failure and annual reporting system in Part 191, communications with pipeline operators, inspection activities, cosponsoring seminars for industry personnel, and developing and conducting training programs for Federal and State agency personnel at the Department's Transportation Safety Institute. The information gained indicates the objectives an operator can reasonably be expected to accomplish in developing and carrying out an emergency plan.

OPS proposes to clarify each of the present paragraphs (a) through (d), in § 192.615 by listing specific topics or measures which must be covered in each plan. This proposed listing is intended to give operators more specific guidance as to what is necessary for an adequate emergency plan under § 192.615.

The proposal is, nonetheless, written in performance terms, just as the existing rule, rather than in detailed specifications. Consequently, if the proposal is adopted, an operator would remain free to develop a plan that is best suited to its particular operation within the outline provided by § 192.615.

Section 192.615(a) now requires that an operator have procedures to respond to a gas pipeline emergency, but does not give further details for developing the necessary procedures. OPS realizes that it is impractical to prepare detailed procedures for all types of emergencies. The response required will vary depending on the information an operator initially receives, the type and location of pipe-

line facilities involved, system pressures, gas load requirements, time of day or year, and other operating variables.

Emergency response procedures must be flexible enough to permit variations at the scene to accommodate unexpected events. At the same time, OPS believes the existing requirement does not go far enough to assist operators in preparing useful procedures. Therefore, § 192.615 would be amended to ensure that the procedures, at a minimum, cover certain essential items which are set forth hereinafter.

The proposed listing of items under § 192.615(a) should not be viewed as inclusive of all procedures necessary for emergency responses. In fact, OPS encourages operators to include any additional procedures in their emergency plans which are relevant to their pipeline operating conditions.

Section 192.615(b) now requires each operator to acquaint appropriate personnel with the emergency procedures. This requirement would be broadened to include training and monitoring to ensure that employees' responses to a gas emergency are in accordance with the operator's procedures established under § 192.615(a).

Section 192.615(c) now requires each operator to establish liaison with appropriate public officials respecting the operator's emergency procedures. This requirement would be amended to ensure that the liaison provides advance planning for proper notice to officials of emergencies and for mutual requests for assistance in emergencies.

Section 192.615(d) now requires each operator to establish an educational program to enable customers and the general public to recognize and report a gas pipeline emergency to the appropriate officials. Additional language would be added to this section to make it clear that both the educational program and the media for conveying it must effectively reach all geographical areas in which the operator transports gas. To facilitate full understanding of the program, a further change being proposed would clarify that the program must be in each language spoken by a significant number of persons in the area served by the operator.

In consideration of the foregoing, OPS proposes to amend § 192.615 to read as follows:

§ 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) Identifying calls which require immediate response by the operator.
- (2) Establishing and maintaining at least two means of verbal communication with fire and police officials and other appropriate public officials.
- (3) Responding 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.
 - (v) Civil disturbance.
- (4) Ensuring the availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.
- (5) Arranging in advance with other operators and pipeline contractors for mutual assistance.
- (6) Actions directed toward protecting people first and then property.
- (7) Emergency shutdown of any section of the operator's pipeline system necessary to minimize an actual or potential hazard.
- (8) Locating and eliminating any gas leak or other fault causing an actual or potential hazard.
- (9) Notifying fire and police officials and other appropriate public officials of gas pipeline emergencies and coordinating with them both planned responses and actual responses during an emergency.
- (10) Locating and safely restoring any service outage.
- (11) Beginning action under § 192.617, if applicable, as soon after the end of the emergency as possible.

(b) Each operator shall—

(1) Furnish its operating and maintenance employees 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 and test those employees to acquaint them with the procedures; and

(3) Monitor employee activities to ensure that the procedures are followed.

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

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

(2) Acquaint the officials with the operator's capabilities and procedures respecting 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 a potential or actual hazard arising from a gas pipeline emergency.

(d) Each operator shall establish a continuous educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency and report 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 every other language spoken by a significant portion of the population in the operator's area.

Interested persons are invited to participate in this proceeding by submitting such written data, views, or arguments

as they may desire. Comments should identify the notice number and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All comments received by May 9, 1975, will be considered by the Director before taking action based on this notice. Late filed comments will be considered so far as practicable. All written comments received will be placed in the public docket and thereafter will be available for examination by interested persons.

OPS is particularly interested in receiving comments which address the following questions:

1. Are the items listed in this notice appropriate for an operator's emergency plan? If so, could the items be stated differently to improve safety?

2. What additional items, if any, should be included as requirements for an emergency plan under § 192.615? Note: Comments outside the scope of this notice may be the subject of a future notice of proposed rule making.

3. In general, the items listed are broadly stated. Should they be stated in more detail?

This notice of proposed rulemaking is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on March 20, 1975.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc. 75-7744 Filed 3-25-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20395]

FM BROADCAST STATIONS, BRAINERD, MINN.

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Brainerd, Minnesota), Docket No. 20395, RM-2384.

1. *Petition, proposal, and comments.* Notice of proposed rulemaking is hereby given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns Brainerd, Minnesota.

(a) A petition for rulemaking was filed on behalf of Greater Minnesota Broadcasting Corporation (GMB), seeking the assignment to Brainerd of a second FM channel. Public Notice of the filing of the petition was issued on June 10, 1974 (Rpt. No. 912). Specifically, GMB proposes the assignment of Class C Channel 294 to Brainerd. In the event such an assign-

ment is not made, GMB requests that a Class A channel be assigned for use in Brainerd and points out that five such channels are available.

(b) In response to a letter from the Commission dated April 10, 1974, GMB filed an "Amendment to Petition" containing information describing the preclusionary impact of the proposed assignments.

2. *Demographic Data*—(a) *Location.* Brainerd, the seat of Crow Wing County, is located in central Minnesota, 108 miles north-northwest of Minneapolis, 55 miles north of St. Cloud, and approximately 125 miles west of Duluth.

(b) *Population.* Brainerd—11,667; Crow Wing County—34,826 (1970 Census).

(c) *Local Radio Service.* Brainerd is served by three radio stations, including KVBR, a Class IV unlimited-time AM station licensed to the petitioner; KLJZ, a Class III unlimited-time AM station; and KLJZ-FM (Channel 239C). The latter two facilities are licensed to Brainerd Broadcasting Company.

(d) *Industry.* Predominantly agricultural though some equipment manufacturing and paper production is also present.

(e) *Economic.* Three banks and two savings and loan institutions serve Brainerd. (No financial information provided.)

3. *Proposed Service.* (a) Petitioner states that an FM station, operating on Class C Channel 294 with 45 kW of power and an antenna height of 320 feet above average terrain, would provide a second FM service to all but the most northern portions of Crow Wing County.

(b) Further consideration of GMB's alternate proposal to assign a Class A channel to Brainerd will not be entertained as (1) Channel 294 is available as an appropriate assignment, and (2) the placing of a Class A channel at Brainerd would create an "intermixture" situation. We have consistently adhered to a policy opposing "intermixture" of FM channels, except in those instances where "intermixture" is the only method available for providing a necessary service. "Tupelo, Miss.", 42 F.C.C. 2d 884 (1973). Compare "Yakima, Wash.", 42 F.C.C. 2d 548 (1973).

(c) Since Brainerd is within 250 miles of the Canada-United States border, Canadian approval of the proposal is required under the Canadian-United States FM Agreement of 1947.

4. *Mileage separations.* (a) Assignment of Channel 294 to Brainerd, if made, would require the transmitting antenna to be located two miles northwest of the community to avoid short-spacing.

5. *Preclusions.* (a) Channels 292A, 293, 294, 295, and 296A would be precluded by the proposed assignment. Channels 291 and 297 are presently precluded by existing assignments. The preclusion occurring on Channels 294 and 296A appears to be significant, while that occurring on the other three affected channels may be dismissed as relatively insignificant.

(b) The preclusion occurring on Channel 294 affects a large area west and north of Brainerd. The communities located within the precluded area do not presently have FM assignments and are not of sufficient size to warrant a Class C channel assignment. A Channel 294 assignment to Brainerd, while precluding the use of Channel 296A in most of the area within 65 miles of Brainerd, would allow the use of Channel 257A in portions of that precluded area.

(c) A rulemaking proceeding involving the communities of Forest Lake, Morris, and Brainerd (RM-2267), Docket No. 20316, may result in the substitution of Channel 298 for Channel 239 at Brainerd. This action, if it occurs, would significantly mitigate the preclusionary impact of the proposed Channel 294 assignment at Brainerd, as the same area would be precluded from the use of Channel 296A by either proposal.

6. *Proposed Amendment to the FM Table of Assignments.* (a) In light of the above, the Commission proposes to amend the FM Table of assignments, § 73.202(b), with regard to Brainerd, Minnesota as follows:

City	Channel No.	
	Present	Proposed
Brainerd, Minn.....	239	239, 294

7. *Authority.* (a) The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference.

8. *Comments and replies.* (a) Interested parties may file comments on or before May 15, 1975, and reply comments on or before June 4, 1975.

Adopted: March 17, 1975.

Released: March 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(d), 5(d) (1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal discussed in the notice of proposed rule making to which this appendix is attached. In initial comments, proponent will be expected to answer whatever questions are presented in the Notice. The proponent of the proposed assignment is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build