''Texas pollution discharge elimination system'', ''toxic pollutant'', ''treatment works treating domestic sewage'', ''variance'', and ''wetlands''), 305.29 (a) & (d), 305.41, 305.42, 305.43(b), 305.44, 305.45, 305.47, 305.50(1), 305.50(2) (except the last two sentences), 305.50 (3)–(8), 305.50 (13) & (14), 305.51, 305.61, 305.62, 305.63 (except the last sentence of 305.63(3) and 306.63(7)), 305.64(a), 305.64(b) (except 305.64(b) (4) & (5)), 305.64(c), 305.64(e), 305.64(g), 305.66(a) (except 305.66(a) (7) & (8)), 305.66(d), 305.67, 305.69, 305.121, 305.122 (b) & (c), 305.124, 305.125 (except 305.125 (1), (3), and (20)), 305.127 introductory paragraph, 305.127(1)(B)(iii), 305.127(1) (E) & (F), 305.127 (2) & (3), 305.127(4)(B), 305.127(5)(C), 305.128, 305.141 through 305.145, 305.146 introductory paragraph, 305.146(1), 305.171 through 305.174, 305.181 through 305.184, 305.191 through 305.194, 305.401(c), 305.571 through 305.573; Chapter 335, sections 335.1 (except the definitions for ''activities associated with the exploration, development, and protection of oil or gas, or geothermal resources'', ''class 1 wastes'', ''class 2 wastes'', ''class 3 wastes'', ''contaminant'', ''contaminated medium/media'', ''control'', ''decontaminate'', ''essentially insoluable'', ''hazardous industrial waste'', ''hazardous substance'', ''industrial solid waste'', ''remediation'', ''remove'', ''shipment'', ''spill'', and ''treatment''), 335.2(a), 335.2 (c)–(g), 335.2 (i)–(k), 335.4, 335.5, 335.6 (except the last sentence of 335.6(d)), 335.7, 335.8(a) (3) & (4), 335.10(a) (except 335.10(a) (2) & (5)), 335.10(b), 335.10(c) (except ''the United States customs official,''), 335.10 (d)–(f), 335.11, 335.12 (except 335.12(a)(5)), 335.13(a) (except for ''or until the generator * * * by the initial transporter''), 335.13 (c)–(g), 335.14, 335.15 introductory paragraph, 335.15(1), 335.17 through 335.23, 335.24 (a)–(f), 335.29, 335.30, 335.41 (a)–(h), 335.43 through 335.45, 335.47 (except for the second sentence in 335.47(c)(3)), 335.61 (a)–(e), 335.63 through 335.68, 335.69 (a)–(h), 335.70 through 335.74, 335.76, 335.77, 335.78 (except 335.78(d)(2)), 335.91 through 335.94, 335.111, 335.112(a) introductory paragraph, 335.112(a) (1)–(6), 335.112(a)(7) (except the phrase ''(as amended through July 1, 1991);''), 335.112(a) (8)–(14), 335.112(a)(15) (except the phrase ''(as amended through July 17, 1991)''), 335.112(a)(16), 335.112(a) (18)–(20), 335.112(b), 335.113, 335.114(a), 335.115 through 335.127, 335.151 through 335.153, 335.154(a) (except the phrase ''TWC hazardous waste code and'' in 335.154(a)(3)), 335.155 through 335.178, 335.201(a) introductory paragraph, 335.201(a) (1) & (2), 335.201(c), 335.202 (except the definitions for ''active geologic processes'', ''area subject to active shoreline erosion'', ''areas of direct drainage'', ''commercial hazardous waste management facility'', ''critical habitat of an endangered species'', ''erosion'', ''public water system'', and ''residence''), 335.203, 335.204(a) (1)–(5), 335.204(b) (1)–(6), 335.204(c) (1)–(5), 335.204(d) (1)–(5), 335.204(e) introductory paragraph, 335.204(e)(1) introductory paragraph (except the phrase ''Except as provided in subparagraphs (A) and (B) of this paragraph,'' and the word ''event'' at the end of the paragraph), 335.204(e) (2)–(7), 335.204(f), 335.205 (a), (b), and (i), 335.211 through 335.223, 335.224 introductory paragraph, 335.224 (1)–(6), 335.224(7) first sentence, 335.224 (8)–(15), 335.225 through 335.251, 335.361 through 335.367, 335.431, and 335.504.

Copies of the Texas regulations that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P. O. Box 64526, St. Paul, Minnesota 55164–0526.

[FR Doc. 97–24841 Filed 9–18–97; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–265; RM–8913]

Radio Broadcasting Services; Dickson and Kingston Springs, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Tuned In Broadcasting, Inc., reallots Channel 229A from Dickson to Kingston Springs, Tennessee, and modifies Station WYYB-FM's license to specify Kingston Springs, Tennessee, as its community of license. *See* 62 FR 4515, January 30, 1997. Channel 229A can be allotted to Kingston Springs in compliance with the Commission's minimum distance separation requirements with a site . The coordinates for Channel 229A are 36–07–13 NL and 86–59–03 WL. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 27, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–265, adopted September 3, 1997, and released September 12, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

AUTHORITY: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Channel 229A at Dickson and by adding Kingston Springs, Channel 229A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–24936 Filed 9–18–97; 8:45 am]
BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. RSPA–97–2133 (HM–225)]

RIN 2137–AC97

Hazardous Materials: Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service; Advisory Guidance for Leak Testing Discharge Systems

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advisory guidance.

SUMMARY: On August 18, 1997, RSPA published in the **Federal Register** a final rule adopting certain safety standards applicable to cargo tank motor vehicles used in liquefied compressed gas

service. This advisory guidance identifies a potential safety problem when leak testing a cargo tank motor vehicle's discharge system and clarifies a pressure test requirement for new or repaired transfer hoses. It is responsive to a petition for reconsideration and a request for clarification.

FOR FURTHER INFORMATION CONTACT: Ronald Kirkpatrick, Office of Hazardous Materials Technology, RSPA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, telephone (202) 366–4545, or Nancy Machado, Office of the Chief Counsel, RSPA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, telephone (202) 366–4400.

SUPPLEMENTARY INFORMATION: On August 18, 1997, RSPA published a final rule in the **Federal Register** (62 FR 44038) that adopts temporary requirements for cargo tank motor vehicles in certain liquefied compressed gas service. It requires a specific marking on affected cargo tank motor vehicles and requires motor carriers to comply with additional operational controls intended to compensate for the inability of passive emergency discharge control systems to function as required by the Hazardous Materials Regulations. The interim operational controls specified in the rule are intended to assure an acceptable level of safety while the industry and government continue to work to develop a system that effectively stops the discharge of hazardous materials from a cargo tank if there is a failure of a transfer hose or piping.

Following publication of the August 18, 1997 final rule, The Fertilizer Institute (TFI) filed a petition for reconsideration seeking, in part, a revision to a requirement in § 171.5(a)(1)(i) which specifies that an operator must subject the transfer hose to full transfer pressure before commencing the first transfer of each day. TFI's petition stated, in pertinent part:

> In the final rule, RSPA adopts a requirement concerning the pressure testing of the transfer hose prior to the first transfer each day. Specifically, RSPA requires that ''prior to commencing the first transfer of each day, the transfer hose shall be subjected to full transfer pressure.'' 49 CFR 171.5(a)(1)(i). No further guidance concerning this requirement is found in the regulations or the preamble to the final rule. TFI is concerned that RSPA or Federal Highway Administration (FHWA) inspectors may interpret this requirement to mandate pressurizing the hose, after opening the vapor valves on the cargo tank and customer tank, and engaging the power take-off (PTO) without opening the product valve on the customer's tank. Under such an interpretation, this requirement is unreasonable and not in the public interest. To explain why such a requirement is unreasonable and not in the public interest, it is necessary to describe a typical anhydrous ammonia unloading operation.
>
> To unload a cargo tank containing ammonia, the operator first connects the vapor line from the cargo tank to the customer's tank and opens the valve at each end of the line. Next, the operator connects the product transfer hose to the cargo tank and customer's tank. After making this connection, the operator opens the internal valve on the cargo tank to flood the pump and, after the pump is flooded, opens the discharge valve on the pump to charge the transfer hose. At this point in the delivery process, the transfer hose is charged with the product pressure. Next, if there are no signs of leakage, then the operator opens the product valve on the customer's tank. Finally, the operator engages the PTO to commence product transfer.
>
> If § 171.5(a)(1)(i) is interpreted to require engagement of the PTO and pumping against a closed product valve at the customer's storage tank, TFI asserts that such a requirement is unreasonable. This requirement is unreasonable because pumping against a closed valve could cause the vanes in the transfer pump to break. Also, the PTO, which is rotating at 650 revolutions per minute, could be damaged and break. Because of the likely potential for damage to the pump and PTO, it is unreasonable for RSPA to require an ammonia cargo tank operator to pump against a closed product valve to ensure the integrity of the transfer hose.
>
> In addition to being unreasonable, such a requirement is not in the public interest because failure of the pump or PTO may result in injury to the cargo tank operator and public in proximity to the unloading operation. If the vanes in the pump break, it is possible that the integrity of the pump casing may be compromised, resulting in flying debris. Also, a PTO which breaks, while rotating at 650 revolutions per minute, may cause injury, including death, to those within proximity of the cargo tank.
>
> TFI understands RSPA's concern with ensuring the integrity of the transfer hose prior to commencing product transfer. As RSPA is aware, TFI has consistently been a proponent through this rulemaking of measures designed to ensure the integrity of the transfer hose and couplers. TFI believes that RSPA's goal of ensuring that a hose is sound prior to commencing transfer may be accomplished through the daily visual inspection of the discharge system, including the transfer hose and couplers, and charging of the transfer hose with product at the pressure within the closed system. This is especially true when RSPA considers the safety implications of engaging the PTO with the customer's storage tank product valve closed.
>
> For these reasons, TFI requests that RSPA modify the language in 49 CFR 171.5(a)(1)(i) to read:
>
> In addition, prior to commencing the first transfer of each day, the transfer hose shall be subjected to product pressure without mechanical influence (e.g., engaging the power take-off).

The provisions of § 171.5(a)(1)(i) are intended to ensure that a cargo tank's discharge system, including transfer hose and couplings, is subjected to pressure prior to beginning transfer of product from a cargo tank motor vehicle to a receiving tank. It is not intended that any components of the discharge system should be subjected to pressures greater than full transfer pressure as part of this leak test.

RSPA believes that the problem described by TFI is common to larger cargo tank motor vehicles, known as transports, which may not have separate back-to-tank bypass valves; smaller cargo tank motor vehicles, known as bobtails, generally do have separate back-to-tank bypass valves, and during delivery the transfer hose is charged with pump discharge pressure all the way to the hose end valve, which tests the integrity of the transfer system at each delivery.

RSPA agrees with TFI's concern that some cargo tank pumping systems are not capable of pumping against a closed product valve without being damaged. Therefore, operators may determine the leakproofness of a delivery system, before beginning transfer of product from a cargo tank motor vehicle to a receiving system, by flooding the pump and charging the transfer hose with product pressure before the receiving system is opened.

RSPA will publish a response to TFI's petition for rule change and petition to extend the termination date of the final rule in the near future.

Section 171.5(a)(1)(ii) requires, in part, that prior to commencing transfer using a new or repaired transfer hose or a modified hose assembly for the first time, the hose assembly must be subjected to a pressure test performed at no less than 120 percent of the design pressure or maximum allowable working pressure (MAWP) marked on the cargo tank motor vehicle, or the pressure a hose is expected to be subjected to during product transfer, whichever is greater. In response to a recent telephone inquiry, RSPA noted that this requirement is based on the MAWP marked on a cargo tank motor vehicle, not the maximum working pressure marked on a transfer hose.

Issued in Washington, DC on September 16, 1997.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97–24974 Filed 9–18–97; 8:45 am]

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