

TABLE 6 OF SUBPART FFF—SITE-SPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS ^a—Continued

Affected facilities at the following MWC sites	City, State	Increment 1 Submit final control plan	Increment 2 Award contracts	Increment 3 Begin on-site construction	Increment 4 Complete on-site construction	Increment 5 Final compliance
I-95 Energy/Resource Recovery Facility.	Lorton, Virginia	January 11, 1999	10/15/99	03/01/00	11/19/00	12/19/00

^a These schedules have been reviewed and determined to be acceptable by EPA.

^b This schedule applies to HC1 SO₂, PM, Pb, Cd, CO, and NO_x. However, owners and operators of large MWC units in New Jersey have the option of reserving the portion of their control plan that addresses NO_x. Owners and operators must submit the reserved portion to EPA by December 15, 1999.

[FR Doc. 98-29967 Filed 11-10-98; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1827 and 1852

Reportable Item Definition

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule to conform the two NASA FAR Supplement (NFS) definitions of "reportable item".

DATES: This rule is effective November 12, 1998.

ADDRESSES: Tom O'Toole, NASA Headquarters Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, (202) 358-0478.

SUPPLEMENTARY INFORMATION:

Background

The NFS has two definitions of "reportable item"—in section 1827.301, Definitions, and the clause at 1852.227-70, New Technology. These definitions vary slightly, and this rule will conform these definitions by using the version at 1827.301 as a baseline. Other minor adjustments are made to cite appropriate USC titles and add examples of reportable items. A proposed rule was published in the August 13, 1998 **Federal Register** (63 FR 43362). NASA received one public comment that suggested the scope of the revised definition was unnecessarily broad in that it would now apply to all copyrightable data. NASA disagrees. The revised definition only intended to clarify that all inventions and innovations, including computer programs, should be reported without regard to potential patentability under Title 35 and/or copyrightability under Title 17 of the U.S. Code. However, to optimize clarity and preclude the

potential misconception that reporting is required for all data produced under the contract, NASA has restructured the definition to focus more explicitly the U.S.C. references.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) since the changes are editorial clarifications and do not impose any new requirements on offerors or contractors. The rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1827 and 1852

Government procurement.

Tom Luedtke,

Acting Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1827 and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1827 and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1827—PATENTS, DATA, AND COPYRIGHTS

2. Section 1827.301 is amended by revising the definition of "reportable item" to read as follows:

1827.301 Definitions.

* * * * *

Reportable item, as used in this subpart, means any invention, discovery, improvement, or innovation of the contractor, whether or not patentable or otherwise protectible under Title 35 of the United States Code, made in the performance of any work under any NASA contract or in the performance of any work that is reimbursable under any clause in any NASA contract providing for reimbursement of costs incurred before

the effective date of the contract.

Reportable items include, but are not limited to, new processes, machines, manufactures, and compositions of matter, and improvements to, or new applications of, existing processes, machines, manufactures, and compositions of matter. Reportable items also include new computer programs, and improvements to, or new applications of, existing computer programs, whether or not copyrightable or otherwise protectible under Title 17 of the United States Code.

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PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 1852.227-70 is amended by revising the clause date and the definition of "reportable item" in paragraph (a) of the clause to read as follows:

1852.227-70 New technology.

* * * * *

New Technology November 1998

(a) * * *

Reportable item, as used in this clause, means any invention, discovery, improvement, or innovation of the contractor, whether or not patentable or otherwise protectible under Title 35 of the United States Code, made in the performance of any work under any NASA contract or in the performance of any work that is reimbursable under any clause in any NASA contract providing for reimbursement of costs incurred before the effective date of the contract. Reportable items include, but are not limited to, new processes, machines, manufactures, and compositions of matter, and improvements to, or new applications of, existing processes, machines, manufactures, and compositions of matter. Reportable items also include new computer programs, and improvements to, or new applications of, existing computer programs, whether or not copyrightable

or otherwise protectible under Title 17 of the United States Code.

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[FR Doc. 98-30265 Filed 11-10-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS-121; Notice-5]

RIN 2137-AD05

Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines

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

ACTION: Further response to petitions for reconsideration on pressure testing within terminals and tank farms.

SUMMARY: This document announces that, while RSPA continues to review requirements for pressure testing older piping within terminals and tank farms, it will not enforce those requirements provided the terminals and tank farms are designed and operated at lower stress levels than the main line. RSPA is evaluating comments received on pressure testing within these areas and is considering modifying the current requirements. The enforcement policy maintains the status quo (that is, no testing required) until a decision is made.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366-4571, or e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this document, or Jenny Donohue, (202) 366-4046, for copies of this document or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

On June 7, 1994, RSPA issued a final rule requiring certain older hazardous liquid and carbon dioxide pipelines to be pressure tested. The American Petroleum Institute (API) and Williams Pipe Line Company (Williams) filed petitions for reconsideration of pressure testing requirements for older terminal and tank farm piping on the grounds that pressure testing would be costly and disruptive in the terminals and that such piping is of lower risk since terminals and tank farms are generally operated at reduced pressures. To explore this issue further, RSPA invited comments in a **Federal Register** notice published February 10, 1998 [63 FR 6677].

RSPA received five comments, including one from API. Four of five commenters expressed that terminal/tank farm piping should be exempt from testing requirements because they are designed and operated so that stress level can never exceed 20% SMYS, therefore, there is low possibility of failure. Commenters also argued that compliance would be a difficult task because of many fittings, valves, tanks, and instrumentation. Commenters also suggested that the benefit would be questionable, but the costs would be substantially higher. API suggested that RSPA consider separate rulemaking on testing of terminal/tank piping, excluding them from the current rule. One commenter suggested that leak detection and a volumetric system should be used as a direct substitute for a pressure test.

API also suggested developing a testing/monitoring protocol for evaluating piping within terminals and tank farms that would provide equivalent levels of safety for those facilities. Given the great variety of conditions that exist in terminals and tank farms and the benefits of identifying alternative ways of addressing pipeline risks, development of such a protocol has merit. RSPA will work cooperatively with API on its protocol. RSPA anticipates using the protocol in our evaluation of the pressure testing requirement for terminals and tank farm piping.

Compliance dates for the 1994 rule requiring pressure testing had been extended to allow completion of rulemaking to allow a risk-based alternative to pressure testing. [62 FR 54591]. That rulemaking, which did not address alternatives for terminal and tank farm piping, has just been published. [63 FR 59475; November 4, 1998]. Absent some agency action, operators of older terminals and tank farms would have to complete the pressure testing requirements for piping in their terminals prior to RSPA's reconsideration of these requirements. In order to preserve the status quo, RSPA will not enforce the pressure testing requirements with respect to older piping located in terminals or tank farms that are designed and operated so that they do not experience stress levels of 20 percent or greater.

Issued in Washington, DC on November 5, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98-30210 Filed 11-10-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN1018-AE16

Changes in the List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention) regulates international trade in certain animals and plants. Species or other taxa for which such trade is controlled are listed in Appendices I, II, and III to CITES. The countries participating in this treaty, including the United States, adopted amendments to Appendices I and II at the tenth meeting of the Conference of the Parties (COP10) in June, 1997. The United States did not enter a reservation against any of the adopted amendments. This document incorporates all these amendments into the U.S. Fish and Wildlife Service's (Service) informational list of CITES species. It also incorporates a small number of additional changes to the list of CITES-protected animal and plant taxa (50 CFR 23.23) unrelated to decisions of the Parties at COP10 and serving only to clarify taxonomy, common names, or geographic ranges of animal and plant taxa and populations already listed. None of these additional changes affects the biological entity listed by the CITES parties.

DATES: This rule is effective November 12, 1998. With the exception of the new listings of sturgeon species at COP10 (which had the effective date of April 1, 1998), the amendments set forth in this rule entered into effect on September 18, 1997, under the terms of CITES.

ADDRESSES: Please send correspondence concerning this document to Chief, Office of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, room 750; Arlington, Virginia, 22203; fax 703-358-2276. Materials received will be available for public inspection by appointment, from 8:00 a.m. to 4:00 p.m. Monday through Friday at the above address in Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr. Susan Lieberman, Chief, Office of Scientific Authority, U.S. Fish and Wildlife Service, telephone 703-358-1708.