

The Public Affairs, Reference Operations Division, shall send a copy of this Notice to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act.

Comments are solicited: Written comments are requested on this Initial Regulatory Flexibility Analysis. These comments must be filed in accordance with the same filing deadlines set for comments on the other issues in this Notice of Proposed Rulemaking, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis.

List of Subjects in 47 CFR Part 25

Satellites.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-8510 Filed 4-6-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 177, 178, 180

[Docket No. RSPA-97-2718 (HM-225A)]

RIN 2137-AD07

Hazardous Materials: Revision to Regulations Governing Transportation and Unloading of Liquefied Compressed Gases

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

ACTION: Notice of Negotiated Rulemaking Committee Meeting.

SUMMARY: RSPA gives notice of a negotiated rulemaking advisory committee (the Committee) meeting for May 4-5, 1999. This notice is issued in accordance with the provisions of the Federal Advisory Committee Act. The purpose of this meeting is for the Committee to negotiate the content of a final rule to be issued by RSPA. The final rule will address requirements for alternative safety standards for preventing and mitigating unintentional releases of hazardous materials during the unloading of cargo tank motor vehicles in liquefied compressed gas service. The public is invited to attend; an opportunity for members of the public to make oral presentations will be provided if time permits.

DATES: The May 4-5, 1999 meeting is scheduled from 8:30 a.m. to 4 p.m.

ADDRESSES: The meeting will take place at the Department of Transportation, Room 6244-6248, 400 Seventh Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jennifer Karim or Susan Gorsky, (202) 366-8553, Office of Hazardous Materials Standards, Research and Special Programs Administration, Department of Transportation. Facilitator: Philip J. Harter, The Mediation Consortium, (202) 887-1033.

SUPPLEMENTARY INFORMATION: On March 22, 1999, RSPA published in the **Federal Register** a notice of proposed rulemaking (64 FR 13856) recommending alternative safety standards for preventing and mitigating unintentional releases of hazardous materials during the unloading of cargo tank motor vehicles in liquefied compressed gas service. This proposed rule was developed through consensus by the Committee. The Committee was established to develop recommendations for alternative safety standards for preventing and mitigating unintentional releases of hazardous materials during the unloading of cargo tank motor vehicles in liquefied compressed gas service. Meeting summaries and other relevant materials are placed in the public docket and can be accessed through (<http://dms.dot.gov>).

Issued in Washington, DC, on April 2, 1999, under authority delegated in 49 CFR Part 1.

Thomas G. Allan,

Acting Director, Office of Hazardous Materials Standards, Research and Special Programs Administration.

[FR Doc. 99-8629 Filed 4-6-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. RSPA-98-4733; Notice 1]

RIN 2137-AD25

Pipeline Safety: Gas and Hazardous Liquid Pipeline Repair

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

ACTION: Notice of proposed rulemaking.

SUMMARY: We are proposing to adopt a safety performance standard for the repair of corroded or damaged steel pipe in gas or hazardous liquid pipelines. Because present safety standards specify particular methods of repair, operators

must get approval from government regulators to use innovative repair technologies. The proposed standard would encourage technological innovations and reduce repair costs without reducing safety.

DATES: Submit written comments by June 7, 1999.

ADDRESSES: All comments should identify the docket number and title of this action, which are stated above in the heading. Comments may be mailed or delivered to the Docket Facility, U.S. Department of Transportation, Room #PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. The original and two copies should be submitted. Persons who want confirmation of mailed comments must include a self-addressed stamped postcard. Comments may also be e-mailed to ops.comments@rspa.dot.gov in ASCII or text format. The Dockets Facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays when the facility is closed.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow at (202)366-4559 or furrowl@rspa.dot.gov. Comments may be read on the internet at <http://dms.dot.gov>. General information about RSPA's pipeline safety program can be obtained at <http://ops.dot.gov>.

SUPPLEMENTARY INFORMATION:

Current Pipeline Repair Safety Standards

If a pipeline operator discovers an unsafe pipe dent during the construction of a steel gas transmission line or main to be operated at 20 percent or more of specified minimum yield strength (SMYS), DOT safety standards require that the operator remove the dent by cutting out the damaged piece of pipe as a cylinder (49 CFR 192.309(b)). This repair requirement does not allow operators to use new or more innovative technologies to repair the dent.

One of the DOT maintenance standards for steel gas transmission lines operating at 40 percent or more of SMYS similarly disallows the use of new technologies (49 CFR 192.713). Under this standard, if an operator discovers an imperfection or damage to pipe that impairs the serviceability of the line, the operator must either replace the pipe or repair it by installing a full encirclement split sleeve of appropriate design. Although this standard permits operators to use two widely-accepted methods of pipe repair, because it prescribes methods of repair rather than what the repair should accomplish, the standard lacks

flexibility. It denies operators the opportunity to take advantage of innovative repair methods. It also discourages operators from developing new repair methods that may be more economical.

Some DOT safety standards governing the repair of corroded pipe also lack flexibility: If a gas transmission line has a large area of general corrosion that has reduced the pipe wall below the thickness required for the maximum allowable operating pressure (MAOP), the corroded pipe must be replaced, unless its operating pressure is reduced (49 CFR 192.485(a)). In gas distribution pipelines, such corroded pipe must be replaced (49 CFR 192.487(a)). In hazardous liquid or carbon dioxide pipelines, such pipe must be replaced unless the operating pressure is reduced (49 CFR 195.416(f)).

All these repair standards were based on recommended industry practices in vogue over 30 years ago. The 1968 edition of the American Society of Mechanical Engineers (ASME) B31.8 Code was the basis for §§ 192.309(b) and 192.713, while §§ 192.485(a) and 192.487(a) were based on the 1969 edition of the National Association of Corrosion Engineers Standard RP-01-69. Section 195.416(f) was based on a comparable provision of the 1966 edition of the ASME B31.4 Code. Since then, the DOT standards based on these practices have not kept pace with changes in technology.

Performance Oriented Standards and Recent Waivers

For steel pipe not subject to repair restrictions under §§ 192.309(b), 192.485(a), 192.487(a), 192.713, or 195.416(f), operators may and do use methods besides pipe replacement and split sleeves to repair corroded or damaged steel pipe. These methods include composite pipe wraps, grinding, hot tapping, and weld deposition. For example, a gouge that impairs the serviceability of a steel gas transmission line operating at less than 40 percent of SMYS is not covered by § 192.713. This defect would be subject to the less restrictive repair requirement of § 192.703(b), which allows repair by any method that returns the pipe to a safe condition.

In recent years, various pipeline operators have sought relief from the requirement to repair high-stress steel gas transmission lines by the traditional methods of pipe replacement or installation of full-encirclement split sleeves. These operators wanted to use a new repair system called Clock Spring® to simplify and reduce the average cost of repairs. This system,

which consists of a fiberglass/polyester composite material coiled with adhesive in layers over a filler, reinforces steel pipe that has certain non-leaking defects. According to tests and analyses done by the Gas Research Institute (GRI), when properly installed, the system permanently restores the pressure containing capability of the pipe.¹

Based on GRI's field and laboratory performance data, we concluded that this new technology provides at least the same level of safety on high-stress transmission lines as pipe replacement or a full-encirclement split sleeve. Therefore, we granted the operators' requests by waiving the applicable requirements.² No problems involving installations under the waivers have been reported. Moreover, GRI's inspection of a statistical sample of installations under the waivers did not show any evidence of creep, degradation, or loss of reinforcement.³

The Proposal

To add flexibility to §§ 192.309(b), 192.485(a), 192.487(a), 192.713, and 195.416(f), we are proposing to allow operators to use repair methods that meet a performance standard. The proposed standard is that the method must be able to "permanently restore the serviceability of the pipe." We chose this wording because it describes the result expected from replacing damaged pipe or installing a full-encirclement split sleeve over the damage to pipe. We expect at least the same result from a qualified alternative repair method.

As to the permanency of repair, we are not suggesting that the repair should last indefinitely. It need last only as long as the pipe is expected to last

under normal operating and maintenance conditions.

Whether a particular repair method will restore the serviceability of the pipe depends on the loading the repaired pipe must support. Sometimes pipe and particularly pipe joints are subjected to significant longitudinal forces imposed by external loads. Where longitudinal forces are a design consideration, a repair method that structurally serves only to contain internal pressure might not suffice to restore the serviceability of the pipe. On the other hand, if longitudinal forces are not a design consideration, a repair method that restores the pressure containing capability of the pipe would restore its serviceability.

We are also proposing that a qualified repair method must have undergone "reliable engineering tests and analyses" to confirm that the method meets the performance standard. We do not believe it necessary to propose guidelines for these tests and analyses because of the widespread use of alternative repair methods without reports of failures. So the tests and analyses need only be what a reasonable and prudent professional engineer would consider adequate to demonstrate compliance with the performance standard.

The proposed change to § 192.309(b) merely adds the performance standard to the end of the introductory clause. Operators would then have the option of either removing or repairing the described dents.

In §§ 192.485(a), 192.487(a), and 195.416(f), the proposed performance standard would take the place of present wording that allows the repair of small areas of general corrosion. Consequently, any corroded area, large or small, could be repaired as long as the repair method meets the performance standard. The primary purpose of this change would be to allow the repair of large corroded areas. But we are proposing to apply the proposed performance standard to small corroded areas as well because of the difficulty of distinguishing between small and large areas. Also, current methods being used to repair small corroded areas readily qualify under the proposed performance standard.

As for § 192.713, besides including the proposed performance standard, we are proposing to remove the sentences specifically allowing repair by full-encirclement split sleeves (paragraphs (a)(2) and (b)). This well-established repair method readily qualifies under the proposed performance standard.

In addition, we are proposing to drop the priority that § 192.713 now gives to

¹ D. R. Stephens, Summary of Validation of Clock Spring® for Permanent Repair of Pipeline Corrosion Defects, GRI-98/0227, Gas Research Institute, Chicago, Illinois, October 1998.

² First we granted the Panhandle Eastern Corporation a waiver of § 192.713(a) to install Clock Spring® over six corrosion anomalies on Line #2 in Ohio, subject to certain monitoring and reporting conditions (58 FR 13823; March 15, 1993). Then we granted 28 interstate operators and their subsidiaries a waiver of §§ 192.485(a) and 192.713(a) to install Clock Spring® on transmission line pipe operating at 40 percent or more of SMYS, provided the operators follow the manufacturer's installation procedures, use GRIWrap® (a computer program that determines if a defect is suitable for Clock Spring® repair), participate in GRI's evaluation plan, notify us and state interstate agents of planned installations, and use trained installers (60 FR 10630; February 27, 1995). Next we extended the February 27th waiver to include six more interstate operators (60 FR 47800; September 14, 1995). Subsequently, we authorized a few additional interstate operators to apply the February 27th waiver, and we approved similar waivers granted intrastate operators by state pipeline safety agencies in Illinois, Wyoming, and Minnesota.

³ D. R. Stephens, op. cit., p. 53.

repair by replacement whenever it is feasible to take a damaged pipeline out of service. We know of no compelling safety reason to justify this priority, and it does not permit the use of other qualified, more economical repair methods while a pipeline is shut down. For regulatory consistency, we would also remove a similar replacement priority from § 192.717, which governs the repair of leaks.

Finally, we are proposing to terminate the requirement under §§ 192.713(a)(1) and 192.717(a)(1) that replacement pipe have "similar or greater design strength" than the pipe being replaced. This qualification, which does not apply to the replacement of corroded pipe under §§ 192.485, 192.487, or 195.416, may result in an overly conservative design that is unnecessary for current operations. The safety of all replacement pipe in gas transmission lines is otherwise governed by the material, design, construction, and testing requirements of Part 192.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Policies and Procedures

The Office of Management and Budget (OMB) does not consider this proposed rulemaking to be a significant regulatory action under Section 3(f) of Executive Order 12866 (58 FR 51735; October 4, 1993). Therefore, OMB has not reviewed this rulemaking document. DOT does not consider this proposed rulemaking significant under its regulatory policies and procedures (44 FR 11034; February 26, 1979).

The proposed rule changes would provide operators flexibility to choose the most cost-effective method of repairing pipe, while maintaining public safety. Thus, the changes would not add costs to industry, government, or the public. In fact, the proposed changes should reduce operators' costs of transporting oil and gas, and perhaps the price consumers pay for these products. In comments on a proposed waiver to the Panhandle Eastern Corporation, the American Gas Association estimated that industry could save \$6.5 million a year by using composite wrap to repair corroded or damaged pipe. Although part of the gas pipeline industry is already realizing these savings because of the Panhandle and other waivers,⁴ the proposed changes would create a similar opportunity for savings by the entire oil and gas pipeline industry. And still more savings could possibly result from the use of innovative technologies not

covered by the waivers. This proposed rulemaking fosters the use and development of new repair technologies without additional cost to the regulated industry. A regulatory evaluation document is available for review in the docket.

B. Regulatory Flexibility Act

The proposed rule changes would not impose additional requirements on pipeline operators, including small entities that operate regulated pipelines. Rather, the proposed changes would offer operators the opportunity to use more economical methods of repairing corroded or damaged pipe. Thus, this proposal may reduce costs to operators, including small entities. Based on the facts available about the anticipated impact of this proposed rulemaking, I certify, pursuant to Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this proposed rulemaking would not have a significant economic impact on a substantial number of small entities.

C. Executive Order 13084

The proposed rules have been analyzed in accordance with the principles and criteria contained in Executive Order 13084, "Consultation and Coordination with Indian Tribal Governments." Because the proposed rules would not significantly or uniquely affect the Indian tribal governments, the funding and consultation requirements of Executive Order 13084 do not apply.

D. Paperwork Reduction Act

This proposed rulemaking contains no information collection that is subject to review by OMB under the Paperwork Reduction Act of 1995.

E. Unfunded Mandates Reform Act of 1995

This proposed rulemaking would not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It would not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and would be the least burdensome alternative that achieves the objective of the rule.

F. National Environmental Policy Act

We have analyzed the proposed rule changes for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Because the changes would require that alternative repair methods be as safe as the methods now allowed, we have preliminarily determined that the proposed changes

would not significantly affect the quality of the human environment. An environmental assessment document is available for review in the docket.

G. Impact on Business Processes and Computer Systems

Many computers that use two digits to keep track of dates will, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. This glitch, the Year 2000 problem, could cause computers to stop running or to start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 Conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 Problem.

This notice of proposed rulemaking does not propose business process changes or require modifications to computer systems. Because this notice apparently does not affect the ability of organizations to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the rule changes proposed in this notice.

H. Executive Order 12612

This action would not have substantial direct effects on states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612 (52 FR 41685; October 30, 1987), RSPA has determined that the proposed rules do not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

List of Subjects

49 CFR Part 192

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 195

Ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, we propose to amend 49 CFR parts 192 and 195 as follows:

PART 192—[AMENDED]

1. The authority citation for part 192 continues to read as follows:

⁴ See note 2.

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

2. In § 192.309, paragraph (b) introductory text would be revised to read as follows:

§ 192.309 Repair of steel pipe.

* * * * *

(b) Each of the following dents must be removed from steel pipe to be operated at a pressure that produces a hoop stress of 20 percent, or more, of SMYS, unless the dent is repaired by a method that can permanently restore the serviceability of the pipe, as shown by reliable engineering tests and analyses:

* * * * *

3. Section 192.485(a) would be revised to read as follows:

§ 192.485 Remedial measures: Transmission lines.

(a) *General corrosion.* Each segment of transmission line with general corrosion and with a remaining wall thickness less than that required for the MAOP of the pipeline must be replaced or the operating pressure reduced commensurate with the strength of the pipe based on actual remaining wall thickness. However, corroded pipe may be repaired by a method that can permanently restore the serviceability of the pipe, as shown by reliable engineering tests and analyses. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

* * * * *

4. Section 192.487(a) would be revised to read as follows:

§ 192.487 Remedial measures: Distribution lines other than cast iron or ductile iron lines.

(a) *General corrosion.* Except for cast iron or ductile iron pipe, each segment of generally corroded distribution line pipe with a remaining wall thickness less than that required for the MAOP of the pipeline, or a remaining wall thickness less than 30 percent of the nominal wall thickness, must be replaced.

However, corroded pipe may be repaired by a method that can permanently restore the serviceability of the pipe, as shown by reliable engineering tests and analyses. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

* * * * *

5. Section 192.713 would be revised to read as follows:

§ 192.713 Transmission lines: Permanent field repair of imperfections and damages.

(a) Each imperfection or damage that impairs the serviceability of pipe in a steel transmission line operating at or above 40 percent of SMYS must be—

(1) Removed by cutting out and replacing a cylindrical piece of pipe; or

(2) Repaired by a method that can permanently restore the serviceability of the pipe, as shown by reliable engineering tests and analyses.

(b) Operating pressure must be reduced to a safe level during repair operations.

6. In 192.717, paragraph (a)(1) and paragraph (a)(2) introductory text would be revised to read as follows:

§ 192.717 Transmission lines: Permanent field repair of leaks.

(a) * * *

(1) Remove the leak by cutting out and replacing a cylindrical piece of pipe.

(2) Install a full encirclement welded split sleeve of appropriate design, unless the transmission line:

* * * * *

PART 195—[AMENDED]

7. The authority citation for Part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118, and 49 CFR 1.53.

8. Section 195.416(f) would be revised to read as follows:

§ 195.416 External corrosion control.

* * * * *

(f) Any pipe that is found to be generally corroded so that the remaining wall thickness is less than the minimum thickness required by the pipe specification tolerances must be replaced with coated pipe that meets the requirements of this part. However, generally corroded pipe need not be replaced if—

(1) The operating pressure is reduced to be commensurate with the limits on operating pressure specified in this subpart, based on the actual remaining wall thickness; or

(2) The pipe is repaired by a method that can permanently restore the serviceability of the pipe, as shown by reliable engineering tests and analyses.

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Issued in Washington, D.C. on April 1, 1999.

Richard B. Felder,

Associate Administrator for Pipeline Safety.
[FR Doc. 99-8574 Filed 4-6-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. RSPA-97-2762; Notice 2]

RIN 2137-AD24

Pipeline Safety: Corrosion Control on Gas and Hazardous Liquid Pipelines

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

ACTION: Notice of public meeting and request for comments.

SUMMARY: We are considering the need to modify our corrosion control standards for gas and hazardous liquid pipelines. To start, we are reviewing the gas standards to see if any need to be clarified, made more effective, or upgraded to be consistent with modern safety practices. The review will help us carry out the President's Regulatory Reinvention Initiative and determine if rule changes are needed to reduce the potential for corrosion-caused incidents. So far, we have held a public meeting and met with knowledgeable persons from industry and state regulatory agencies on the adequacy of the standards. Now, to get feedback on the results of these efforts, interested persons are invited to participate in a second public meeting and to submit written comments on the matters discussed in this notice. The public meeting will be in conjunction with the National Association of Corrosion Engineers (NACE) 54th Annual Conference and Exhibition, CORROSION/99, in San Antonio, Texas.

DATES: The public meeting will be on April 28, 1999, from 8:00 am to 12:00 noon at the Marriott Riverwalk Hotel in San Antonio, Texas. If you want to make an oral presentation at the meeting, please notify Jenny Donohue no later than April 23, 1999, by phone (202-366-4046) or by Internet e-mail (donohuej@rspa.dot.gov), and indicate the approximate length of your presentation. In addition, no later than June 30, 1999, you may submit written comments by mailing or delivering an original and two copies to the Dockets Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590-0001. Or you may submit written comments to the docket electronically. To do so, log on to the following Internet Web address: <http://dms.dot.gov>. Click on "Help & Information" for instructions on how to file a document electronically. All