

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 110 of Title 33, Code of Federal Regulations, as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.73c is added to read as follows:

§ 110.73c Okeechobee Waterway, St. Lucie River, Stuart, FL.

The following is a special anchorage area: Beginning on the Okeechobee Intracoastal Waterway between mile marker 7 and 8 on the St. Lucie River, bounded by a line beginning at 27°12'06.583"N, 80°15'33.447"W; thence to 27°12'07.811"N, 80°15'38.861"W; thence to 27°12'04.584"N, 80°15'41.437"W; thence to 27°11'49.005"N, 80°15'44.796"W; thence to 27°11'47.881"N, 80°15'38.271"W; thence to the point of beginning. All coordinates reference Datum NAD:83.

Note: This area is principally used by recreational vessels. The mooring of vessels in this area is administered by the local Harbormaster, City of Stuart, Florida.

Dated: August 11, 1999.

G.W. Sutton,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 99–22436 Filed 8–27–99; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 99–1604; MM Docket No. 99–86; RM–9505]

Radio Broadcasting Services; Fruitland, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; dismissal of.

SUMMARY: The Commission denies the request of Mountain West Broadcasting to allot Channel 300A to Fruitland, NM, as it is not a community for allotment purposes. See 64 FR 14421, March 25, 1999. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–86, adopted August 11, 1999, and released August 13, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–22401 Filed 8–27–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 192 and 195**

[RSPA–97–2094]

RIN 2137–AC54

Pipeline Safety: Underwater Abandoned Pipeline Facilities

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would require the last operator of an abandoned pipeline, offshore and, or, crossing under, over or through navigable waterways to submit a report of the abandonment to the Secretary of Transportation. This notice responds to a Congressional mandate. The results of this proposal would be a central depository of information about underwater abandoned pipelines.

DATES: Comments on the subject of this NPRM must be received on or before October 29, 1999.

ADDRESSES: Comments should identify the docket number of this NPRM, RSPA–97–2094, and be mailed to the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street SW, Washington, DC 20590–0001. You should submit the original and one copy. If you wish to receive confirmation of receipt of your comments, you must include a stamped, self-addressed postcard. The Dockets facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on

Federal holidays. In addition, the public may also submit or review comments by accessing the Docket Management System's home page at <http://dms.dot.gov>. An electronic copy of any document may be downloaded from the Government Printing Office Electronic Bulletin Board Service at (202) 512–1661.

FOR FURTHER INFORMATION CONTACT: L.E. Herrick by telephone at 202–366–5523, by fax at 202–366–4566, by mail at U.S. Department of Transportation, RSPA, DPS–10, 400 Seventh Street, SW, Washington, DC, 20590, or via e-mail to le.herrick@rspa.dot.gov regarding this notice of proposed rulemaking. You may contact the Dockets Unit, 202–366–5046, for copies of this notice or material that is referenced herein.

SUPPLEMENTARY INFORMATION:**A. Background**

Underwater pipelines are being abandoned at an increasing rate as older facilities reach the end of their use. This trend is expected to continue. Presently, there is no one location where these records of abandonment are maintained. In 1992, Congress directed the Secretary of Transportation to require the last operator of an offshore pipeline facility or a pipeline facility crossing under, over, or through navigable waters to report the abandonment of that facility to the Secretary (49 U.S.C. 60108(c)(6)(B)). This report must contain reasonably available information about the facility and specify whether the facility has been abandoned properly according to applicable Federal and State requirements. Once these reports are filed by the operators they will be accessible to appropriate Federal and State agencies.

We propose to fulfil this Congressional mandate by requiring operators who have abandoned underwater pipeline facilities to report information to the Secretary through the Research and Special Programs Administration's (RSPA) Associate Administrator for Pipeline Safety. The report would include all reasonably available information related to the facility, including information in the possession of a third party. The report would provide a consolidated information source for Federal agencies and State governments to assist in determining if current abandonment requirements are meeting public safety goals. The report would be due upon abandonment of the facility or, for those facilities abandoned prior to the

effective date of this rule, the report would be due one year from the effective date of this rule. The lead time prior to the implementation of this reporting requirement would provide the last operator with sufficient time to incorporate the reporting requirement into their operations.

B. Report Requirements

All reasonably available information should be included. For example:

Location: The geographic location of the endpoints and description of the line as used in the right of way permit and by Geographical Information System (GIS) coordinates.

Size: The outside diameter and approximate length of the pipeline.

Date of abandonment: The date the operator satisfied all the applicable State and Federal requirements for the abandonment.

Method of abandonment: A statement describing the method of abandonment.

Certification: A written statement by the last operator certifying that the facility has been abandoned according to all applicable State and Federal requirements.

Service use: The year or years the facility was placed in service, and the primary product carried by the pipeline prior to abandonment.

We expect that most operators will have the required information readily available. However we are particularly interested in receiving comments from the operators concerning the availability of the information. We are also interested in comments making recommendations on the criteria we should use to determine the scope of the provision for the operator to supply all information that is "reasonably available".

We believe that most operators affected by this rule currently employ practices for abandoning pipelines which include some measure of reporting the abandonment. The requirements we are proposing for this report are expected to be sufficiently performance based to allow the operators to be able to forward information to us with a minimal of additional costs.

In implementing these provisions, we would require that the report be sent by letter mail, e-mail, or fax to: Information Officer, Department of Transportation, Research and Special Programs Administration, Office of Pipeline Safety, 400 Seventh Street, SW, Washington, DC 20590, E-mail: roger.little@rspa.dot.gov, FAX: (202) 366-4566.

Regulatory Analysis and Notices

A. E.O. 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, is not subject to review by the Office of Management and Budget. The proposal is not considered significant under the policies and procedures of the Department of Transportation (44 FR 11034, February 26, 1979).

Those operators who abandoned pipelines after 1980 should have the required information to compile the abandonment report readily available because the operators have been retaining these records for other purposes. For these operators, it should take 15 to 30 minutes to compile and submit the abandonment report. For operators who have abandoned pipelines before 1980, where the data may not be readily available, some research may be required to compile the abandonment report. However, we believe that pre 1980 abandonments represent a small number of the total abandonments. Because a majority of the abandonments have occurred after 1980, we conclude that this regulation will have a minimal impact on the pipeline industry. For more details see the "Paperwork Reduction Act" section of this preamble.

B. Federalism Assessment

The proposed rulemaking 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), we have determined that this notice does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

C. Executive Order 13084—Indian Tribal Governments

We believe that revised regulations from this NPRM would have no significant or unique effect on the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Therefore, the funding and consultation requirements of this Executive Order would not apply. Nevertheless, this NPRM specifically requests comments from affected

persons, including Indian tribal governments, as to its potential impact.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to review regulations and assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. Based on its preliminary regulatory evaluation prepared in support of this proposal, RSPA certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. Although operators who have abandoned pipelines before 1980 may be required to perform approximately 8 hours of work to compile the data necessary to produce an abandoned pipeline report, we estimate that there are under 300 operators effected by such abandonments. Because the majority of reports required by this proposed regulation would require only 15–30 minutes of operator time per abandonment, the impact of this regulation will be minimal. The building of pipelines that cross navigable waterways is a very capital intensive operation that requires access to significant sums of working capital. It is unlikely that many small operators have such pipelines. Therefore, I certify, pursuant to section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this proposal will not, if implemented, have a significant economic impact on a substantial number of small entities. However, we are interested in receiving comments from any small business operators who believe otherwise. This certification is subject to modification as a result of a review of the comments received in response to this proposal.

E. Unfunded Mandates

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

F. Paperwork Reduction Act

This notice of proposed rulemaking contains information collection requirements in 49 CFR 192.727 and 49 CFR 195.59 for the last operator of an abandoned underwater pipeline facility. The notice proposes the submission of a report to the Department of

Transportation regarding the abandonment of underwater pipeline facilities. This requirement will be submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act. Comments are specifically requested on the additional burden this requirement would likely impose upon the operators.

Comments on the proposed information collection requirement should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attn: Desk Officer for Department of Transportation, Research and Special Programs Administration.

We request that comments sent to OMB also be sent to our rulemaking docket.

A copy of the Paperwork Analysis has been put in the docket, and is available for review and copying along with the preamble of this proposal. To summarize the conclusions of the paperwork analysis:

	Number of reports	Time to compile and send report per segment (hours)	Total hours
Pipelines abandoned before 1980	300	8	2,400
Pipelines abandoned 1980–1992	300	1	300
Pipelines abandoned after 1992	2000 (or 400 per year)	0.25	500
Total	3,200

The total cost of this proposal for all pipelines abandoned prior to 1992, assuming that the person compiling the report is paid \$40 per hour, is \$128,000. The reason for the reduction in the time to compile the report for more recently abandoned pipelines is that the information necessary to compile the report should be readily available because operators are generally compiling and maintaining this information as part of their normal operations. Data on pipelines abandoned after 1992 should be in a form that can be easily copied and sent to the Federal Government. Abandoned pipeline data for the period 1980–1992 might require some more preparation before sending to the Federal Government and therefore is estimated to take one hour of operator time. We believe that the information for the reports for the period prior to 1980, is “reasonably available,” in most cases, if found within eight (8) hours of diligent searching.

After 1992 operators were routinely maintaining reports of abandonment. We estimate that each year after 1992 will cost the industry \$4,000 (400 reports × \$40 × 1/4 hour = \$4,000.)

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

H. National Environmental Policy Act

We have analyzed this action for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and have determined that this action would not significantly affect the quality of the human environment. An Environmental Assessment and a Finding of No Significant Impact are in the docket.

I. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 192

Hazardous liquid, Natural gas, Pipeline safety, Pipelines, Reporting and recordkeeping requirements.

49 CFR Part 195

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

In consideration of the foregoing, RSPA proposes to amend parts 192 and

195 of title 49 of the Code of Federal Regulations as follows:

PART 192—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

Subpart A—General

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

Authority: 49 U.S.C. 5103, 6102, 6104, 6108, 6109, 6110, 6113, and 6118; 49 CFR 1.53.

2. Section 192.3 would be amended by adding a new definition in alphabetical order to read as follows:

§ 192.3 Definitions.

Abandoned means permanently removed from service.

* * * * *

3. Section 192.727 would be amended to add paragraph (g) to read as follows:

§ 192.727 Abandonment or inactivation of facilities.

* * * * *

(g) For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that crosses over, under or through a navigable waterway, the last operator of that facility must file a report by mail, fax or e-mail to the Information Officer, Research and Special Programs Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366–4566; e-mail, roger.little@rspa.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that

the facility has been abandoned according to all applicable laws.

PART 195—[AMENDED]

1. The authority citation for Part 195 would continue to read as follows:

Authority: 49 U.S.C. 5103, 6102, 6104, 6108, 6109, 6118; 49 CFR 1.53.

2. Section 195.3 would be amended by adding a new definition in alphabetical order to read as follows:

§ 195.2 Definitions.

Abandoned means permanently removed from service.

* * * * *

3. Section 195.59 would be added to read as follows:

§ 195.59 Abandoned underwater facilities.

For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that is crossing over,

under, or through a navigable waterway, the last operator of that facility must file a report by mail, fax or e-mail to the Information Officer, Research and Special Programs Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; e-mail, roger.little@rspa.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must include the location, size, date, method of abandonment, and a certification that the facility has been abandoned according to all applicable laws.

4. Section 195.402(c) (10) would be revised to read as follows:

§ 195.402 Procedural manual for operations, maintenance, and emergencies.

* * * * *

(c) * * *

(1) * * *

(10) Abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards. For each abandoned offshore pipeline facility or each abandoned onshore pipeline facility that is crossing over, under, or through a navigable waterway, the last operator of that facility must file a report as specified in § 195.59 of this part.

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Issued in Washington, DC on August 23, 1999.

Richard B. Felder,

Associate Administrator for Pipeline Safety.
[FR Doc. 99-22330 Filed 8-27-99; 8:45 am]

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