

List of Subjects**49 CFR Part 192**

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA proposes to amend 49 CFR parts 192 and 195 to read as follows:

PART 192—[AMENDED]

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

Authority: 49 U.S.C. 5102, 60102, 60104, 60108, 60109, 60110, 60113, 60118; 49 CFR 1.53.

2. Section 192.614 would be amended by revising paragraph (a), by removing paragraph (c)(4), by redesignating paragraphs (b) and (c) as (c) and (d), by revising the introductory text of newly redesignated (c)(2), and by adding paragraphs (b) and (e) as follows:

§ 192.614 Damage Prevention Program.

(a) Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations.

(b) An operator may comply with any of the requirements of paragraph (c) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of paragraph (c)(3) of this section through participation in a one-call system, if that one-call system qualifies under either of the following:

(1) The state has adopted a one-call damage prevention program under § 198.37 of this chapter; or

(2) The one-call system—

(i) Is operated in accordance with § 198.39 of this chapter;

(ii) Provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities; and

(iii) Assesses a participating pipeline operator a fee that is not disproportionate to the costs of the one-call system's coverage of the operator's pipeline.

(c) * * *

(2) Provide for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (c)(1) of this section of the following as often as needed to make them aware of the damage prevention program: * * *

* * * * *

(e) Pipelines operated by persons (including operators of master meters) whose primary activity does not include the transportation of gas need not comply with the following:

(1) The requirement of paragraph (a) of this section that the damage prevention program be written; and

(2) The requirements of paragraphs (c)(1) and (c)(2) of this section.

PART 195—[AMENDED]

3. The authority citation for part 195 is revised to read as follows:

Authority: 49 U.S.C. 60102, 60104, 60108, 60109; 49 CFR 1.53.

4. Section 195.442 would be amended by revising paragraph (a), by redesignating paragraphs (b) and (c) as (c) and (d), by revising the introductory text of newly redesignated (c)(2), and adding paragraph (b) to read as follows:

§ 195.442 Damage Prevention Program.

(a) Except as provided in paragraph (d) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations.

(b) An operator may comply with any of the requirements of paragraph (c) of this section through participation in a public service program, such as a one-call system, but such participation does not relieve the operator of responsibility for compliance with this section. However, an operator must perform the duties of paragraph (c)(3) of this section through participation in a one-call system, if that one-call system qualifies under either of the following:

(1) The state has adopted a one-call damage prevention program under § 198.37 of this chapter; or

(2) The one-call system—

(i) Is operated in accordance with § 198.39 of this chapter;

(ii) Provides a pipeline operator an opportunity similar to a voluntary participant to have a part in management responsibilities; and

(iii) Assesses a participating pipeline operator a fee that is not

disproportionate to the costs of the one-call system's coverage of the operator's pipeline.

(c) * * *

(2) Provide for notification of the public in the vicinity of the pipeline and actual notification of persons identified in paragraph (c)(1) of this section of the following as often as needed to make them aware of the damage prevention program: * * *

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Issued in Washington, D.C. on March 14, 1995.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

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National Highway Traffic Safety Administration**49 CFR Chapter V**

[Docket No. 95-16, Notice 01]

Meeting on Regulatory Reform

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meeting; request for comments.

SUMMARY: This notice announces a public meeting at which NHTSA will seek information from the public on regulatory reform actions the agency should take related to its motor vehicle regulations. This notice also invites written comments on the same subject.

DATES: Public meeting: The meeting will be held on March 29, 1995 at 1:00 p.m. Those wishing to make oral presentations at the meeting should contact Deborah Parker, at the address or telephone number listed below, by March 27, 1995.

Written comments: Written comments are due by April 7, 1995.

ADDRESSES: Public meeting: The public meeting will be held at the following location: Ramada Inn (near the Detroit Metro Airport), 8270 Wickham Road, Romulus, MI 48174.

Written comments: All written comments should be mailed to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 7th Street SW., Washington, DC 20590. Please refer to the docket number when submitting written comments.

FOR FURTHER INFORMATION CONTACT: Deborah Parker, Director, Special Projects Staff, NPS 01.1, NHTSA, 400 7th Street SW., Washington, DC 20590 (telephone 202-366-4931).

SUPPLEMENTARY INFORMATION: Calling for a new approach to the way Government regulates the private sector President Clinton asked Executive Branch agencies to report to him by June 1, 1995, on ways to improve the regulatory process. Specifically, the President requested that agencies: (1) Cut obsolete regulations; (2) reward agency and regulator performance by rewarding results, not red tape; (3) create grassroots partnerships by meeting, outside of Washington, D.C., with those affected by regulations and other interested parties; and (4) use consensual rulemaking, such as regulatory negotiation, more frequently. This public meeting will help NHTSA to comply with the President's directives.

The Agency is focusing at this time on items (1) and (4) described above. For item (1), cut obsolete regulations, the President requested that we "conduct a page-by-page review of all . . . agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform." The President requested that our review include consideration of at least the following:

- Is this regulation obsolete?
- Could its intended goal be achieved in more efficient, less intrusive ways?
- Are there better private sector alternatives, such as market mechanisms, that can better achieve the public good envisioned by the regulation?
- Could private business, setting its own standards and being subject to public accountability, do the job as well?
- Could the States or local governments do the job, making Federal regulation unnecessary?"

To assist NHTSA in responding to this directive, the public's views on which Motor Vehicle-related regulations (standards, rules, etc., are all used interchangeably for this purpose) should be rescinded or revised are requested (the agency also is reviewing its non-motor vehicle related regulations but they are not the subject of this meeting). Both administratively issued and statutorily mandated regulations are the subject of this review. Suggestions should be accompanied by a rationale for the action and the expected consequences. Recommendations should be based on at least the following considerations:

- Cost-effectiveness.
- Administrative/compliance burdens.

- Whether the standard is performance-oriented, as opposed to design-oriented or is technology-restricting.

- Small business effects.
- Frequency of rulemaking to amend or clarify requirements (including inconsequentiality petitions).
- Availability of voluntary industry standards.
- Obsolete requirements.
- Enforceability of the standard.
- Whether the standard reflects a "common sense" approach to solving the problem.

In considering the consequences of any recommendation please provide the best available information on any effects on safety, consumer costs, regulated party testing/certification costs, small business impacts, competition, etc.

By motor vehicle-related regulations, NHTSA means all those standards/rules related to safety, fuel economy, theft, consumer information, damageability, and domestic content. The standards themselves and all related record-keeping and procedural requirements are included. Parts 520-594 of Title 49, Transportation, of the Code of Federal Regulations are encompassed.

The public meeting will be held in conjunction with and immediately after the agency's previously scheduled quarterly technical meeting.

With regard to item (4), consensual rulemaking, the agency wants recommendations on which active rulemakings—not those rules already in effect—would be appropriate candidates for the regulatory negotiation process. Bear in mind that these must be rulemakings in which the various interested parties would be willing to negotiate solutions. Currently, the agency is conducting a regulatory negotiation on the subject of optical headlamp aim.

Procedural Matters

As noted at the beginning of this notice, persons wishing to speak at the public meeting should contact Deborah Parker by the indicated date. To facilitate communication, NHTSA will provide auxiliary aids (e.g., sign-language interpreter, braille materials, large print materials and/or a magnifying device) to participants as necessary, during the meeting. Thus, any person desiring assistance of auxiliary aids should contact Ms. Barbara Carnes, NHTSA Office of Safety Performance Standards, telephone (202) 366-1810, no later than March 23, 1995.

Those speaking at the public meeting should limit their presentation to 20

minutes. If the presentation will include slides, motion pictures, or other visual aids, the presenters should bring at least one copy to the meeting so that NHTSA can readily include the material in the public record.

NHTSA staff at the meeting may ask questions of any speaker, and any participant may submit written questions for the NHTSA staff, at its discretion, to address to other meeting participants. There will be no opportunity for participants directly to question each other. If time permits, persons who have not requested time, but would like to make a statement, will be afforded an opportunity to do so.

A schedule of participants making oral presentation will be available at the designated meeting room. NHTSA will place a copy of any written statement in the docket for this notice. A verbatim transcript of the meeting will be prepared and also placed in the NHTSA docket as soon as possible after the meeting.

Participation in the meeting is not a prerequisite for the submission of written comments. NHTSA invites written comments from all interested parties. It is requested but not required that 10 copies be submitted.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidentiality business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above will be considered. Comments will be available for inspection in the docket.

NHTSA will continue to file relevant information as it becomes available in the docket after the closing date. It is therefore recommended that interested persons continue to examine the docket for new material.

Issued: March 14, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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