

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

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

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 192, 193, and 195

[Docket No. PS-143]

RIN 2137-AC74

#### Periodic Updates to the Pipeline Safety Regulations

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

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This NPRM proposes to update the references to voluntary specifications and standards to reflect more recently published editions of each document. Many referenced standards currently cited in the code are outdated. This NPRM would enable pipeline operators to utilize current technology, materials, and practices, thereby reducing costs and enhancing economic growth. This is consistent with the President's goals of regulatory reinvention and improvement of customer service to the American people. In addition, this NPRM proposes to eliminate the requirements for odorization of hydrogen transmission lines. The purpose of this proposal is to eliminate unnecessary regulatory burdens without compromising safety.

**DATES:** Comments to this NPRM are due on or before April 3, 1996.

**ADDRESSES:** Written comments regarding this NPRM should be sent to the RSPA docket office, attention Verdell Simpkins, room 8421, U.S. Department of Transportation, 400 7th Street SW., Washington, DC. 20590.

**FOR FURTHER INFORMATION CONTACT:** Eben M. Wyman, (202) 366-0918, regarding the subject matter of this Notice; or the Dockets Unit, (202) 366-4453, for copies of this Notice or other material in the docket.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### *Regulatory Reinvention Initiative*

In March of 1995, President Clinton issued a memorandum to heads of departments and agencies calling for a review of all agency regulations and elimination or revision of those that are outdated or in need of reform. The "Regulatory Reinvention Initiative" (RRI) was a Presidential directive requiring Federal regulatory agencies, among other things, to conduct a page-by-page review of all agency regulations, cutting or revising those that were obsolete, intrusive, or better handled by parties other than the Federal government (i.e., private business, State or local government).

RSPA has reviewed the pipeline safety regulations and is making changes and revisions where deemed appropriate. In addition, RSPA conducted three outreach meetings in 1995 in Dallas, TX, Lakewood CO, and Houston, TX in support of the President's goal of enhancing partnership with the pipeline industry. Comments received in these outreach meetings and in the RRI docket have resulted in the proposals in this NPRM.

##### *Incorporations by Reference*

RSPA has reviewed the voluntary consensus standards currently referred to in the pipeline safety regulations and in its appendices, and proposes to update the various voluntary consensus standards that are cited throughout 49 CFR Parts 192, 193, and 195. The respective organizations responsible for producing these standards often update or revise them to better suit the needs of changing pipeline systems.

Parts 192, 193, and 195 incorporate by reference all or portions of over 40 different documents or their equivalent containing practices, codes, standards, and specifications developed and published by technical organizations, including the American Petroleum Institute, American Gas Association, American Society of Mechanical Engineers, American Society of Civil Engineers, American Concrete Institute,

American Society of Testing and Materials, International Conference of Building Officials, Manufacturers Standardization Society of the Valve and Fittings Industry, and National Fire Protection Agency. Many of the editions currently referenced are now out of print or obsolete. Later published editions of these documents utilize or focus on up-to-date technology. Pipeline operators could be unnecessarily burdened with design and construction requirements that are referred to in earlier editions.

To avoid these burdens and allow operators to benefit from various technological improvements in materials and methods, this NPRM proposes to update references to these outdated documents where the latest editions have been reviewed and accepted by OPS. The later editions referenced are set forth by name and date in the proposed amendments to appendices A and B of Part 192, appendix A of Part 193, and Part 195 (§ 195.3). The order and appearance in the CFR of the consensus standards would remain unchanged. Only the year representing the edition of the document would be revised. In addition to the proposed incorporating of current standards, some minor conforming amendments are also proposed.

The address for the American Society for Testing and Materials (ASTM) has changed. The correct address is: 100 Barr Harbor Drive, Conshohocken, PA, 19428. Parts 192 and 195 will be amended to reflect this change.

Section 192.63(a)(1) would be revised to refer to the 1995 edition of ASTM D 2513, replacing the 1987 edition.

Section 192.189(c) would be amended by correcting the reference to the National Electric Code. The "C1" nomenclature identifies the electrical code committee within the American National Standards Institute (ANSI), but is in no way related to identifying the code itself. The correct reference is "ANSI/NFPA 70", and would be so amended under the proposed rulemaking.

##### *Requirement to Odorize Hydrogen Transmission Pipelines*

In support of the President's goal to eliminate obsolete and unnecessary regulations, RSPA proposes to amend 49 CFR 192.625 to eliminate the odorization requirement for hydrogen transmission lines in cases where the odorization interferes with industrial end uses. Hydrogen pipelines that were operating without an odorant before May 5, 1975, are already exempt from the odorization requirement.

The requirement to odorize hydrogen in new and existing hydrogen transmission lines that do not fall under this "grandfather clause" may impose unreasonable costs on industry without any quantifiable safety benefit. This is because odorization renders hydrogen, which is primarily an industrial process feedstock, unfit for its uses without expensive deodorization. RSPA recognized that problems with the odorization requirements could be expected to occur after the "grandfather" date, but stated that it "\* \* \* prefers to address these problems on an individual basis in the waiver process." 40 FR 20279 at 20,280-281 (May 9, 1971).

There appears to be no advantage to continuing to use a waiver procedure. The potential advantages of odorization for hydrogen pipelines appear to be negligible, while the costs to industry for removal of the odorant may be unreasonably large. Also, the magnitude of any hazard from hydrogen pipeline leaks appear to be small. Hydrogen is not only much less dense than air, and thus tends to dissipate rapidly, but also has relatively low energy content for a given volume compared to natural gas. In addition, it appears that the ignition energy of hydrogen is so low that even static electricity can ignite the gas, making a build-up of gas unlikely. In addition, hydrogen is not generally used as a fuel, but rather as an industrial feedstock. Odorization renders hydrogen unfit for most of its industrial uses. Odorant can poison or reduce the reactivity of catalysts, make the end product unfit for the purpose for which it is intended, or reduce the percentage completion of a chemical reaction. This means that the odorant needs to be removed, an expensive process, prior to its use in manufacture.

The proposed language adds a paragraph to Section 192.625 to except from odorization requirements transmission lines if the gas is intended for an industrial plant using hydrogen in a manufacturing process.

#### Rulemaking Analyses

##### *Executive Order 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, was not subject to review by the Office of Management and Budget (OMB). The notice is also not considered significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

##### *Executive Order 12612*

The proposed rule has been analyzed with the principles and criteria in Executive Order 12612 ("Federalism"), and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

##### *Regulatory Flexibility Act*

Based on the facts available, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification is subject to modification as a result of a review of comments received in response to this proposal.

##### *Paperwork Reduction Act*

The cumulative effect of the proposals in this NPRM will be no change in the current information collection burden requirements for gas, hazardous liquid, and carbon dioxide pipeline operators.

##### List of Subjects

###### *49 CFR Part 192*

Incorporation by reference, Natural gas, Pipeline safety.

###### *49 CFR Part 193*

Incorporation by reference, Liquefied natural gas (LNG), Pipeline safety.

###### *49 CFR Part 195*

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety.

In consideration of the foregoing, RSPA proposes to amend 49 CFR parts 192, 193, and 195 as follows:

#### **PART 192—[AMENDED]**

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

Authority: 49 U.S.C. 60101 *et seq.*; 49 CFR 1.53.

2. Paragraph (a)(1) of § 192.63 would be revised to read as follows:

##### **§ 192.63 Marking of materials.**

(a) \* \* \*

(1) As prescribed in the specification or standard to which it was manufactured, except that thermoplastic fitting must be marked in accordance with the 1995 edition of ASTM D 2513; or

\* \* \* \* \*

3. Paragraph (c) of § 192.189 would be revised to read as follows:

##### **§ 192.189 Vaults: Drainage and waterproofing.**

\* \* \* \* \*

(c) Electrical equipment in vaults must conform to the applicable

requirements of Class 1, Group D, of the National Electric Code, ANSI/NFPA 70.

4. Section 192.625 would be amended by revising paragraphs (b)(2)(iv)(C) and (b)(3) and by adding paragraph (b)(4) to read as follows:

##### **§ 192.625 Odorization of gas.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iv) \* \* \*

(C) Reduces the percentage completion of a chemical reaction;

(3) In the case of a lateral line which transports gas to a distribution center, at least 50 percent of the length of that line is in a Class 1 or Class 2 location; or

(4) The combustible gas is hydrogen intended for use as a feedstock in a manufacturing process.

\* \* \* \* \*

5. Appendix A of part 192 would be amended by revising paragraphs I. D, II. A 1, 3, and 4, II. B, II. C 3-6, and II. E to read as follows:

##### Appendix A to Part 192—Incorporated by Reference

###### *I. List of Organizations and Addresses*

\* \* \* \* \*

D. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Conshohocken, PA 19428.

\* \* \* \* \*

###### *II. Documents Incorporated by Reference. (Numbers in Parentheses Indicate Applicable Editions.)*

A. \* \* \*

1. API Specification 5L "Specification for Line Pipe (41st edition, 1995).

\* \* \* \* \*

3. API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st edition, 1994).

4. API Standard 1104 "Welding of Pipelines and Related Facilities" (18th edition, 1994).

B. American Society for Testing and Materials (ASTM):

1. ASTM Designation: A53 "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A53-94).

2. ASTM Designation A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-94).

3. ASTM Designation: A333/A333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A333/A333M-94).

4. ASTM Designation: A372/A372M "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (A372/A372M-95).

5. ASTM Designation: A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (A 381-93).

6. ASTM Designation: A671 "Standard Specification for Electric-Fusion-Welded

Steel Pipe for Atmospheric and Lower Temperatures" (A 671-94).

7. ASTM Designation: A672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A672-94).

8. ASTM Designation A691 "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A691-93).

9. ASTM Designation D638 "Standard Test Method for Tensile Properties of Plastics" (D638-94b).

10. ASTM Designation D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing and Fittings" (D2513-95a).

11. ASTM Designation D2517 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (D2517-94).

C. \* \* \*

3. ASME Boiler and Pressure Vessel Code, Section I "Power Boilers" (1995 edition with addenda).

4. ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Pressure Vessels" (1995 edition with addenda).

5. ASME Boiler and Pressure Vessel Code, Section VIII, Division 2 "Pressure Vessels: Alternative Rules" (1995 edition with addenda).

6. ASME Boiler and Pressure Vessel Code, Section IX "Welding and Brazing Qualifications" (1995 edition with addenda).

\* \* \* \* \*

E. National Fire Protection Association (NFPA):

1. ANSI/NFPA 30 "Flammable and Combustible Liquids Code" (1995).

2. ANSI/NFPA 58 "Standard for the Storage and Handling of Liquefied Petroleum Gases" (1995).

3. ANSI/NFPA 59 "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" (1995).

4. ANSI/NFPA 70 "National Electrical Code" (1996).

## PART 193—[AMENDED]

1. The authority citation for part 193 continues to read as follows:

Authority: 49 U.S.C. 60101 *et seq.*; 49 CFR 1.53.

2. Appendix A to part 193 would be amended by revising paragraphs II. C., II. D. 1 and 3, II. E., II. F., and II. G., to read as follows:

Appendix A to Part 193—Incorporation by Reference

\* \* \* \* \*

II. Documents Incorporated by Reference.  
(Numbers in Parentheses Indicate Applicable Editions.)

\* \* \* \* \*

C. American Society of Civil Engineers (ASCE):

1. ASCE 7-88 "Minimum Design Loads for Buildings and Other Structures" (1995)

D. \* \* \*

1. API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st edition, 1994).

\* \* \* \* \*

3. API Standard 1104 "Welding of Pipelines and Related Facilities" (18th edition, 1994).

E. American Society of Mechanical Engineers (ASME):

1. ASME/ANSI B31.3 "Chemical Plant and Petroleum Refinery Piping" (1993).

2. ASME/ANSI B31.5 "Refrigeration Piping" (1992).

3. ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (1995).

4. ASME Boiler and Pressure Vessel Code, Section I "Power Boilers" (1995 edition with Addenda).

5. ASME Boiler and Pressure Vessel Code, Section IV, "Heating Boilers" (1995 edition with Addenda).

6. ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Pressure Vessels" (1995 edition with Addenda).

7. ASME Boiler and Pressure Vessel Code, Section VIII, Division 2, "Pressure Vessels: Alternative Rules" (1995 edition with Addenda).

8. ASME Boiler and Pressure Vessel Code, Section IX, "Welding and Brazing Qualifications" (1995 edition with Addenda).

F. International Conference of Building Officials (ICBU):

1. "Uniform Building Code" (UBC) (1994).

G. National Fire Protection Association (NFPA):

1. ANSI/NFPA 30 "Flammable and Combustible Liquids Code" (1993)

2. ANSI/NFPA 37 "Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines" (1994).

3. ANSI/NFPA 51B "Standard for Fire Prevention in Use of Cutting and Welding Processes" (1994).

4. ANSI/NFPA 59A "Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)" (1994).

5. ANSI/NFPA 70 "National Electrical Code" (1996).

## PART 195—[AMENDED]

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 60101 *et seq.*; 49 CFR 1.53.

2. Section 195.3 would be amended by revising paragraph (b)(6) and paragraphs (c) (2)-(5) to read as follows:

### § 195.3 Matter incorporated by reference.

\* \* \* \* \*

(b) \* \* \*

(6) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Conshohocken, PA 19428.

(c) \* \* \*

(2) American Petroleum Institute (API):

(i) API Specification 5L "Specification for Line Pipe" (41st edition, 1995).

(ii) API Specification 6D "Specification for Pipeline Valves (Gate,

Plug, Ball, and Check Valves)" (21st Edition, 1994).

(iii) API Specification 1104 "Welding of Pipelines and Related Facilities" (18th edition, 1994).

(3) American Society of Mechanical Engineers (ASME):

(i) ASME/ANSI B16.9 "Factory-Made Wrought Steel Butt Welding Fittings" (1993).

(ii) ASME/ANSI B31.4 "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols" (1992 edition with 1994 addenda).

(iii) ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (1995)

(iv) ASME/ANSI B31G "Manual for Determining the Remaining Strength of Corroded Pipelines" (1991).

(v) Boiler and Pressure Vessel Code, Section VIII, Division 1 "Pressure Vessels" (1995 with Addenda).

(vi) ASME Boiler and Pressure Vessel Code, Section IX "Welding and Brazing Qualifications" (1995 with Addenda).

(4) Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS):

(i) MSS SP-75 "Specification for High Test Wrought Butt Welding Fittings" (1993).

(ii) [Reserved]

(5) American Society for Testing and Materials (ASTM):

(i) ASTM Designation: A 53 "Standard specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A 53-94).

(ii) ASTM Designation: A 106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A 106-94).

(iii) ASTM Designation: A 333/A 333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A 333/A 333M-94).

(iv) ASTM Designation: A 381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (A 381-93).

(v) ASTM Designation: A 671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A 671-94).

(vi) ASTM Designation: A 672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A 672-94).

(vii) ASTM Designation: A 691 "Standard Specification for Carbon and Alloy Steel Pipe Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A 691-93).

Issued in Washington, DC on February 23,  
1996.

Richard B. Felder,

*Associate Administrator for Pipeline Safety.*

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