

(d) Issue notices of proposed rulemaking, notices of inquiry or to issue report and orders arising from either of the foregoing, except that the Chief, Cable Services Bureau shall have authority to issue notices of rulemaking and report and orders redesignating market areas in accordance with section 614(f) of the Communications Act of 1934, as amended; and

(e) Act on any applications in the Cable Television Relay Service that present novel questions of fact, law, or policy that cannot be resolved under existing precedents and guidelines.

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 193

[Docket No. PS-151; Amdt. 193-13]

RIN 2137-AC 91

#### Liquefied Natural Gas Regulations—Miscellaneous Amendments

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

**ACTION:** Direct final rule.

**SUMMARY:** This direct final rule updates the Liquefied Natural Gas (LNG) regulations by replacing the current "Flammable vapor-gas dispersion protection" method with a method based on the "dense gas dispersion (DEGADIS)" model, and replacing the current "Thermal Radiation Protection" method with a method based on the "LNGFIRE" program model. In addition, this final rule incorporates safety requirements for mobile and temporary LNG facilities by referring to the National Fire Protection Association (NFPA) Standard 59A (1996 edition)—Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG).

**DATES:** This direct final rule takes effect June 25, 1997 unless RSPA receives adverse comments or notice of intent to file adverse comment by April 28, 1997. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 25, 1997. If RSPA does not receive any adverse comment or notice of intent to file an adverse comment by April 28, 1997 the rule will become effective on the date specified. RSPA will issue a subsequent notice in the Federal Register by May 27, 1997 after the close of the comment period to

confirm that fact and reiterate the effective date. If an adverse comment or notice of intent to file an adverse comment is received, RSPA will issue a timely notice in the Federal Register to confirm that fact and RSPA would withdraw the direct final rule in whole or in part. RSPA may then incorporate the adverse comment into a subsequent direct final rule or may publish a notice of proposed rulemaking.

**ADDRESSES:** Written comments must be submitted in duplicate and mailed or hand-delivered to the Dockets Unit, room 8421, U.S. Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and materials cited in this document will be available for inspection and copying in room 8421 between 8:30 a.m. and 4:30 p.m. each business day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant entrance at Seventh and E Streets.

**FOR FURTHER INFORMATION CONTACT:** Mike Israni, (202) 366-4571, regarding the subject matter of this document, or the Dockets Unit (202) 366-4453, for copies of this document or other information in the docket.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### *Section 193.2019 Mobile and Temporary LNG Facilities*

RSPA is amending 49 CFR Part 193 by adding a section 193.2019 on mobile and temporary LNG facilities. Mobile and temporary LNG facilities have a good safety record and their use has become quite common. However, Part 193 currently does not contain requirements for such temporary operations and many temporary operations cannot meet some of the Part 193 requirements. In those cases, operations have been authorized through waivers issued by the relevant states, and approved by RSPA, for mobile and temporary facilities for peakshaving applications, for service maintenance during gas pipeline systems repair/alteration, or for other short term applications. In acting on waiver requests, RSPA reviews justification for not complying with Part 193 and requires alternative safety provisions to maintain public safety. There has been no adverse impact on safety as a result of the waiver process and RSPA anticipates an equivalent level of safety following implementation

of this direct final rule. The safety guidelines and the restrictions for LNG mobile facilities in section 2-3.4 of the NFPA 59A (1996 edition) provide an adequate level of assurance of public safety. The safety guidelines are identical to those required as conditions for waiver. Thus, we do not see any necessity for issuing a proposed rule. Therefore, RSPA is incorporating by reference NFPA 59A section 2-3.4 for mobile and temporary LNG facilities in this direct final rule. Operators will no longer need a waiver from Part 193 requirements for mobile facilities if they comply with section 2-3.4 of NFPA 59A. This will reduce the burden on the industry and state and federal governments without compromising safety.

##### *Section 193.2057 Thermal Radiation Protection*

RSPA is amending Section 193.2057, "Thermal radiation protection", by deleting the method prescribed and replacing it with a method based on the "LNGFIRE" program model developed by the Gas Research Institute (GRI). RSPA is amending this section in response to an American Gas Association (AGA) petition dated October 14, 1992.

According to the AGA petition, the current method is a simple geometrical method with assumptions of flame radiant properties for computing the radiation from burning vapor above a concentric pool. Flame radiant properties were rationalized to provide results that agree with early experimental results for the lowest level of radiant exposures. The current method also assumes an idealized tilted cylindrical flame. Experimental data shows that the current method underestimates exclusion distances for large pool fires, such as those that could occur in a tank dike, and overestimates exclusion distances for small and high ratio length-to-width rectangular fires that could occur in pipe impoundments.

AGA states that since 1982 GRI has funded a series of research projects dealing with LNG pool fire radiation. This research has culminated in a model which more accurately reflects experimental data. The research has also produced a personal computer based program called "LNGFIRE." This computer model has numerous advantages over the current method, including the ability to account for a wide variety of containments. The resulting computer program is easy to use and is in the public domain. The results of the model and the "LNGFIRE" program correlate very well with experimental results from the numerous

pool fire tests conducted during the last 15 years.

AGA further explains that the "LNGFIRE" program and model effectively take into account wind speed, relative humidity and asymmetrical pool configuration. One unique feature in the "LNGFIRE" program model is the effect called wind drag. This is the tendency of the wind to move the base of the flame downwind from the pool. The "LNGFIRE" program also calculates the heat output of the fire based on the heating value, density and boiling temperature of the LNG. Although average default properties are included in the program, the properties of unusually heavy or light LNG can be substituted to reflect the product used at a particular facility.

RSPA agrees with the AGA's rationale and is replacing the current thermal radiation protection method with the method based on the "LNGFIRE" program model.

#### *Section 193.2059 Flammable Vapor-Gas Dispersion Protection*

RSPA is amending section 193.2059, "Flammable vapor-gas dispersion protection," by deleting the prescribed method based on the mathematical model in Appendix B of the AGA's 1974 report, "Evaluation of LNG Vapor Control Methods," also referred to as the Gaussian Line Source (GLS) model, and replacing it with the "DEGADIS" dense gas dispersion model. RSPA is amending this section in response to the American Gas Association (AGA) petition dated October 14, 1992.

According to the AGA petition, the dispersion models available at the time the current federal regulation was issued were limited. Based on the limited vapor dispersion data available in 1980, DOT provided for use of the GLS dispersion model as the method for calculating LNG vapor-gas dispersion siting standards. The GLS dispersion model does not account for important LNG vapor dispersion phenomena, including gravity spreading, negative or positive buoyancy effects on air entrainment, surface-to-cloud heat transfer, or phase change energy effects associated with air humidity.

AGA states that under GRI sponsorship beginning in 1982, extensive vapor dispersion experimental and analytical work has been conducted. The DEGADIS dispersion model, developed for GRI and the U.S. Coast Guard and recently modified (to allow application to elevated jet releases) for the U.S. Environmental Protection Agency (EPA), accounts for effects described above and can be run on a personal computer.

AGA further explains that the DEGADIS model has been shown to be consistent with a wide range of laboratory and field test data for dense gas releases on a flat surface with dispersion over unobstructed flat terrain. Comparison of DEGADIS model predictions with data obtained from pertinent vapor dispersion field tests has been reviewed. To provide direct comparison with the GLS model prescribed in 49 CFR 193.2059, the maximum predicted distance to 2.5% methane concentration was determined for 324 LNG release scenarios with the DEGADIS and GLS models. DEGADIS generally predicted the longer distances to the 2.5% methane concentration level than the GLS model for "B" atmospheric stability and shorter distances than the GLS model for "F" stability.

AGA states that the recommendation for specification of a surface roughness factor of 3 cm in DEGADIS presumes the terrain upwind of the LNG release to be covered with short (order 10 cm) grass. The value of this surface roughness factor is recommended for normal usage to provide consistency with the implicit assignment of 3 cm surface roughness factor in the application of the Gaussian model currently prescribed.

The theoretical and experimental basis for the DEGADIS model are fully reviewed in GRI Report No. 89/0242 and its applicability to LNG vapor dispersion prediction has been considered.

The results given in the GRI report indicate that the DEGADIS model is superior both in dispersion phenomena and performance to the GLS model promulgated in 49 CFR 193.2059 for LNG vapor dispersion simulation. Availability in IBM-PC formats provides for wide use of the DEGADIS model. The DEGADIS model has been accepted and used by federal agencies such as the Federal Emergency Management Administration (FEMA), the National Oceanic and Atmospheric Administration (NOAA), EPA, and the U.S. Coast Guard for dense gas vapor dispersion analysis. It has also been incorporated in the ALOHA (Area Location of Hazardous Atmospheres) model. ALOHA is designed for on-site use at accidental releases for emergency response planning purposes. The South Coast Air Quality Management District of California has also accepted the use of the DEGADIS model.

Since the DEGADIS model is in the public domain, is recognized by other federal and state agencies, and provides significantly more realistic determination of vapor exclusion distances than the GLS model currently

in 49 CFR 193.2059, RSPA is adopting the DEGADIS model.

#### *Rulemaking Analysis and Notices*

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rule is not considered to be a significant regulatory action under section 3(f) of Executive Order 12866, and is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This rule amends LNG regulations to include requirements for mobile and temporary facilities. This rule replaces the current method prescribed for "Thermal Radiation Protection" with the "LNGFIRE" program model. In addition, this rule replaces the current method prescribed for "Flammable vapor-gas dispersion protection" with the "DEGADIS" dense gas dispersion model. This is consistent with the President's goal of regulatory reinvention and improvement of customer service to the American people. There is no additional cost to comply with this rule. These changes do not warrant preparation of a Regulatory Evaluation.

##### *Executive Order 12612*

This action has been analyzed under the criteria of Executive Order 12612 (52 FR 41685; October 30, 1987) and does not have sufficient federalism impacts to warrant the preparation of a Federalism Assessment.

##### *Regulatory Flexibility Act*

Based on the facts available concerning the impact of this rule, I certify under section 606 of the Regulatory Flexibility Act that it does not have a significant impact on a substantial number of small entities.

##### *Paperwork Reduction Act*

This rule does not modify the paperwork burden that LNG operators already have. Therefore, a paperwork evaluation is unnecessary.

##### *List of Subjects in 49 CFR Part 193*

Fire prevention, Incorporation by reference, Pipeline safety, Reporting and recordkeeping requirements, Security measures.

In consideration of the foregoing, RSPA amends Part 193 of title 49 of the Code of Federal Regulations as follows:

#### **PART 193—[AMENDED]**

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

Authority: 49 U.S.C. 5103, 60103, 60104, 60108, 60109, 60111, 60112, 60118; and 49 CFR 1.53.

2. Part 193 is amended by adding § 193.2019 to subpart A to read as follows:

§ 193.2019 Mobile and temporary LNG facilities.

Mobile and temporary LNG facilities for peakshaving application, for service maintenance during gas pipeline systems repair/alteration, or for other short term applications need not meet the requirements of this part if the facilities are in compliance with section 2-3.4 of NFPA 59A (1996 edition).

3. Section 193.2057 is amended by revising paragraphs (b) and (c)(1) to read as follows:

§ 193.2057 Thermal radiation protection.

(b) Measurement. The exclusion distance "d" is the horizontal distance measured from the impoundment area to the target where the following apply:

(1) The maximum calculated exclusion distance for each thermal flux level shall be used for that exposure (offsite target) in paragraph (d) of this section.

(2) The wind speed producing the maximum exclusion distances shall be used except for wind speeds that occur less than 5 percent of the time based on recorded data for the area.

(3) The ambient temperature and relative humidity that produce the maximum exclusion distance shall be used except that values that occur less than 5 percent of the time based on recorded data for the area shall not be used.

(4) Properties of LNG with the highest anticipated heating value shall be used.

(5) The height of the flame base should be that of any dike or containment in relation to the horizontal reference plane. The height of the target shall be in relation to the same reference plane.

(1) The method of calculating the exclusion distances for levels of radiant exposure listed in paragraph (d) of this section shall be the method described in Gas Research Institute report GRI-89/0176 and also available as the "LNGFIRE" computer program from GRI.

4. The "Impoundment & Topography Elevation Profile" diagram following § 193.2057(b) of this section is removed.

5. Section 193.2059 is amended by revising paragraphs (c) introductory text and (d)(1)(ii) and adding paragraph (c)(4), to read as follows:

§ 193.2059 Flammable vapor-gas dispersion protection.

(c) Computing dispersion distance. A minimum dispersion distance must be computed for the impounding system. If grading and drainage are used under § 193.2149(b), operators must comply with the requirements of this section by assuming the space needed for drainage and collection of spilled liquid in an impounding system. Dispersion distances must be determined in accordance with the following dispersion parameters, using the "DEGADIS" model described in Gas Research Institute report No. GRI 89/0242 titled "LNG Vapor Dispersion Prediction with the DEGADIS Dense Gas Dispersion Model", or a model for vapor dispersion which meets the requirements of § 193.2057(c)(2)(ii) through (iv):

(4) A surface roughness factor of 3 cm shall be used. Higher values for the roughness factor may be used if it can be shown that the terrain both upwind and downwind of the vapor cloud has dense vegetation and that the vapor cloud height is more than ten times the height of the obstacles encountered by the vapor cloud.

(d) \* \* \*

(1) \* \* \*

(ii) In determining variations in the vaporization rate due to surface contact, the time necessary to wet 100 percent of the impounding floor area shall be determined by equation C-9 in the 1974 AGA report titled "Evaluation of LNG Vapor Control Methods," or by using an equivalent personal computer program based on equation C-9 or by an alternative model which meets the requirements of § 193.2057(c)(2)(ii) through (iv).

6. Appendix A to Part 193 is amended in subsection I. by revising the entries E., F., G., and H. and adding an entry I., and amended in subsection II. by redesignating entries F. and G. as entries G. and H. and adding a new entry F. to read as follows:

Appendix A to Part 193—Incorporation by Reference

I. List of Organizations and Addresses

E. American Society of Civil Engineers (ASCE), 345 East 47th Street, New York, NY 10017-2398.

F. American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.

G. Gas Research Institute (GRI), 8600 West Bryn Mawr Ave, Chicago, IL 60631.

H. International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601.

I. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O.Box 9101, Quincy, MA 02269-9101.

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

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F. Gas Research Institute (GRI):

1. GRI-89/0176 "LNGFIRE: A Thermal Radiation Model for LNG Fires" (June 29, 1990).

2. GRI-89/0242 "LNG Vapor Dispersion Prediction with the DEGADIS Dense Gas Dispersion Model" (April 1988-July 1990).

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Issued in Washington, D.C. on January 23, 1997.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 97-4614 Filed 2-24-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 970211028-7028-01; I.D. 012397A]

RIN 0648-AJ34

Fisheries of the Northeastern United States; Framework 21 to the Northeast Multispecies Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 21 to the Northeast Multispecies Fishery Management Plan (FMP). These regulations allow vessels with general category scallop permits or limited access permits, if not fishing under a days-at-sea (DAS) limitation, to fish for scallops with small dredges (combined width not to exceed (10.5 ft (3.2 m)) within the Gulf of Maine Small Mesh Northern Shrimp Fishery Exemption Area. The intent of this action is to allow small scallop dredge vessels to harvest scallops in a manner that is consistent with the bycatch reduction objectives of the FMP.

EFFECTIVE DATE: February 20, 1997.

ADDRESSES: Copies of Amendment 7 to the FMP (Amendment 7), its regulatory impact review and the initial regulatory flexibility analysis, its final supplemental environmental impact statement (FSEIS), and the supporting