

- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including responses through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulations.

#### Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of the proposed rule would not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Although the adoption of the proposed rule could affect small businesses, it would not have a significant impact on any small business. Therefore, pursuant to 5 U.S.C. 605(b), the proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

There are no Catalog of Federal Domestic Assistance program numbers.

#### List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: February 23, 1998.

**Togo D. West, Jr.,**  
Acting Secretary.

For the reasons set forth in the preamble, 38 CFR part 17 is proposed to be amended as follows:

#### PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

**Authority:** 38 U.S.C. 501(a), 1721, unless otherwise noted.

2. In part 17, an undesignated center heading and § 17.133 are added to read as follows:

#### RECONSIDERATION OF DENIED CLAIMS

##### § 17.133 Procedures.

(a) *Scope.* This section sets forth reconsideration procedures available to an individual or entity who made a claim for benefits administered by the Veterans Health Administration (VHA) and who disagrees with the initial decision denying the claim in whole or in part. These procedures are not mandatory, and a claimant may choose to appeal the denied claim to the Board of Veterans Appeals pursuant to 38 U.S.C. 7105 without utilizing the provisions of this section. These procedures do not apply when other regulations providing reconsideration procedures do apply (e.g., CHAMPVA (38 CFR 17.84), spina bifida (38 CFR 17.904)). Otherwise, this section applies to all claims for VHA benefits (e.g., reimbursement for non-VA care not authorized in advance, reimbursement for beneficiary travel expenses, reimbursement for home improvements or structural alterations, etc.). Submitting a request for reconsideration shall constitute a notice of disagreement for purposes of filing a timely notice of disagreement under 38 U.S.C. 7105(b).

(b) *Process.* A request for reconsideration under this section must be submitted in writing to the Director of the healthcare facility of jurisdiction within one year of the date of the initial decision. The request must state why it is concluded that the decision is in error and must include any new and relevant information not previously considered. Any request for reconsideration that does not identify the reason for the dispute will be returned to the sender without further consideration. The request for reconsideration may include a request for a meeting with the VA decisionmaker, the claimant, and the claimant's representative (if the claimant wishes to have a representative present). Such a meeting shall only be for the purpose of discussing the issues and shall not include formal procedures (such as presentation and cross-examination of witnesses). The meeting will be taped and transcribed by VA if requested by the claimant and a copy of the transcription shall be provided to the claimant. After reviewing the matter, the decisionmaker (the Chief, Health Administration Service, or equivalent) shall issue a written decision that

affirms, reverses, or modifies the initial decision.

**Note to § 17.133:** The final decision of the decisionmaker will inform the claimant of further appellate rights for an appeal to the Board of Veterans Appeals.

(Authority: 38 U.S.C. 511)

[FR Doc. 98-5122 Filed 2-26-98; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### 43 CFR Part 414

RIN 1006-AA40

#### Offstream Storage of Colorado River Water and Interstate Redemption of Storage Credits in the Lower Division States

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of proposed rulemaking; extension of deadline for comments.

**SUMMARY:** The Bureau of Reclamation (Reclamation) published a notice of proposed rulemaking on December 31, 1997 (62 FR 68491), which included the text of a proposed rule titled, "Offstream Storage of Colorado River Water and Interstate Redemption of Storage Credits in the Lower Division States." That notice specified that comments on the proposed rule must be received by Reclamation on or before March 2, 1998. Reclamation will extend the comment deadline an additional 32 days, until close of business on Friday, April 3, 1998.

**DATES:** Any comments must be received by Reclamation on or before April 3, 1998, in accordance with the criteria set forth in the December 31, 1997, notice of proposed rulemaking (62 FR 68491).

**FOR FURTHER INFORMATION CONTACT:** Mr. Dale Ensminger, telephone (702) 293-8659 or fax (702) 293-8042.

**SUPPLEMENTARY INFORMATION:** Reclamation received several requests for an extension of the deadline for comments on the proposed rule. In the interest of encouraging public participation, Reclamation is extending the deadline for written comments. If you have already prepared written comments to meet the March 2, 1998, deadline, you may supplement or replace those comments with an additional written response.

Dated: February 20, 1998.

**William E. Rinne,**

*Area Manager, Boulder Canyon Operations Office.*

[FR Doc. 98-5032 Filed 2-26-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 195

[Docket No. PS-117; Notice 4]

RIN 2137-AC87

#### Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to exclude from RSPA's safety regulations for hazardous liquid pipelines low-stress pipelines regulated for safety by the U.S. Coast Guard and certain low-stress pipelines less than one mile long serving plants and terminals. Difficulties involving compliance with RSPA's regulations do not appear warranted by risk and may cause operating errors that impair safety. It is RSPA's policy toward effective government to eliminate duplicative and unnecessarily burdensome regulations.

**DATES:** RSPA invites interested persons to submit comments by close of business April 28, 1998. Late comments will be considered as far as practicable.

**ADDRESSES:** Send comments in duplicate to the Dockets Unit, Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh St., SW, Washington, D.C. 20590. Comments should identify the docket and the notice number stated in the heading of this notice. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard. All comments and docketed material will be available for inspection and copying in Room 8421 between 8:30 a.m. and 5 p.m. each business day.

**FOR FURTHER INFORMATION CONTACT:** L. M. Furrow at (202) 366-4559 or [furrowl@rspa.dot.gov](mailto:furrowl@rspa.dot.gov). For copies of this notice or other material in the docket, contact the Dockets Unit at (202) 366-5046.

**SUPPLEMENTARY INFORMATION:**

### I. Background

When RSPA's safety regulations for hazardous liquid<sup>1</sup> pipelines (49 CFR part 195) were first published, the regulations did not apply to low-stress pipelines<sup>2</sup> (34 FR 15473; Oct. 4, 1969). In recent years, however, during a time of increased environmental awareness, critical accidents involving low-stress pipelines led Congress to restrict DOT's discretion to exempt these lines from regulation. So, in an amendment to the pipeline safety laws, Congress directed the Secretary of Transportation not to exempt from regulation a hazardous liquid pipeline facility only because the facility operates at low internal stress (49 U.S.C. § 60102(k)).

In response to this change in the law, RSPA extended the Part 195 regulations to cover certain low-stress pipelines (Docket No. PS-117; 59 FR 35465; July 12, 1994). Except for onshore rural gathering lines and gravity-powered lines, the following categories of low-stress pipelines were brought under the regulations: pipelines that transport highly volatile liquids, pipelines located onshore and outside rural areas, pipelines located offshore, and pipelines located in waterways that are currently used for commercial navigation (§ 195.1(b)(3)). Because the rulemaking record showed that many low-stress pipelines probably were not operated and maintained consistent with Part 195 requirements, operators were allowed to delay compliance of their existing lines until July 12, 1996 (§ 195.1(c)).

### II. Interfacility Transfer Lines

#### A. Description

The largest proportion of low-stress pipelines brought under Part 195 consisted of interfacility transfer lines (about two-thirds of the pipelines and one-third of the overall mileage). The remainder included trunk lines and gathering lines located outside rural areas.

Interfacility transfer lines move hazardous liquids locally between facilities such as truck, rail, and vessel transportation terminals, manufacturing plants (including petrochemical plants), and oil refineries, or between these facilities and associated storage or long-distance pipeline transportation.<sup>3</sup> The

<sup>1</sup> "Hazardous liquid" means petroleum, petroleum products, or anhydrous ammonia.

<sup>2</sup> "Low-stress pipeline" means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength (SMYS) of the line pipe.

<sup>3</sup> The interfacility transfer lines did not include piping that connect high-stress pipelines with surge tanks located at plants and terminals. This piping

lines usually are short, averaging about a mile in length. Typically they are operated in association with other transfer piping on the grounds of the industrial plants and terminals they serve.

#### B. Related Federal Regulations

Segments of interfacility transfer lines located on the grounds of industrial plants and transportation terminals are subject to the Process Safety Management regulations of the Occupational Safety and Health Administration (OSHA) (29 CFR 1910.119). These regulations, which involve hazard analysis and control, operating and maintenance procedures, and personnel training, are intended to reduce the risk of fires and explosions caused by the escape of hazardous chemicals from facility processes.

Although on-grounds segments of interfacility transfer lines generally are excepted from Part 195 (§ 195.1(b) (6) and (7)),<sup>4</sup> the on-grounds segment and regulated off-grounds segment of a line function together as a unit. Thus, OSHA's Process Safety Management regulations, though applicable only to on-grounds segments, affect the operation of off-grounds segments. And, similarly, compliance with part 195 for off-grounds segments affects operation of the unregulated on-grounds segments.

In addition, most transfer lines between vessels and marine transportation-related facilities are subject to safety regulations of the U.S. Coast Guard (33 CFR parts 154 and 156). The Coast Guard applies these regulations to transfers of hazardous liquid from the dock loading arm or manifold up to the first valve after the line enters the Spill Prevention Control and Countermeasure (SPCC) containment or secondary containment if the facilities are not protected by SPCC plans.

#### C. Compliance Difficulties

Information we received in response to Notice 1 of Docket PS-117 (55 FR 45822; Oct. 31, 1990) showed that bringing interfacility transfer lines into full compliance with part 195 would be difficult for many operators. The primary difficulty is that their lines are not installed and operated on the basis of part 195 standards. For example,

was already subject to the part 195 regulations as part of the pipeline systems for which the tanks relieve surges.

<sup>4</sup> Segments of interfacility transfer lines on plant or terminal grounds are subject to Part 195 if the segment connects a regulated pipeline (including off-grounds segments of interfacility transfer lines) to a surge tank or other device necessary to control the operating pressure of the regulated pipeline.