retains the requirement that permittees and licensees compile and retain information concerning the ethnicity and gender of its attributable owners, they must submit this information on a biennial, rather than annual, basis. As stated in the FRFA, not all broadcast licensees are required to file ownership reports at all; sole proprietorships and partnerships comprised solely of natural persons are exempt from the filing requirement. Furthermore, the modified reporting requirements apply only to commercial broadcast stations, not to the 2401 noncommercial educational FM and television stations authorized as of April 30, 1999.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

36. The FRFA described in some detail the steps taken in the *Report and Order* to minimize significant economic impact on small entities and the alternatives considered. The rule and policy amendments adopted in this *Memorandum Opinion and Order* should also serve to minimize the adverse impact of the ''streamlining'' rules on small entities. Initially, with respect to the revised construction period/tolling rules, we note that small entities that might require more time to construct an authorized broadcast station than would a large corporation would likely benefit from the rules adopted in the *Report and Order.* These entities would now be given on extra year to construct a new television facility and 18 extra months to complete a radio station. Furthermore, these revised construction periods apply to all outstanding permits. Therefore, to the extent that such smaller entities needing some additional time will be granted up to three ''unencumbered'' years simply upon a written request for such treatment.

37. As urged by several petitioners, the *Memorandum Opinion and Order* modifies the rules and policies promulgated in the *Report and Order* in such ways that will indirectly benefit smaller broadcast entities. For example, the elimination of the need to compose and submit station service contour maps in all assignment/transfer applications implicating the local radio ownership rules will likely benefit smaller entities owning fewer broadcast stations.

VI. Report to Congress

38. The Commission will send a copy of the *Memorandum Opinion and Order* in this proceeding, including this Supplemental FRFA, in a report that will be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. *See* 5 U.S.C. 801(l)(1)(A). In addition, the Commission will send a copy of this *Memorandum Opinion and Order,* including this Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 73

Radio, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

Part 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

2. Section 73.3513 is amended by revising paragraph (c) to read as follows:

§ 73.3513 Signing of applications.

* * * * *

(c) Facsimile signatures are acceptable. Only the original of applications, amendments, or related statements of fact, need be signed; copies may be conformed.

* * * * *

3. Section 73.3564 is amended by revising paragraph (a)(2) and adding paragraph (a)(3) to read as follows:

§ 73.3564 Acceptance of applications.

* * * * *

(a) * * *

(2) In the case of minor modifications of facilities in the non-reserved FM band, applications will be placed on public notice if they meet the following two-tiered minimum filing requirements as initially filed in first-come/first-serve proceedings:

(i) The application must include:

(A) Applicant's name and address,

(B) Applicant's signature,

(C) Principal community,

(D) Channel or frequency,

(E) Class of station, and

(F) Transmitter site coordinates; and

(ii) The application must not omit more than three of the following second-tier items:

(A) A list of the other media interests of the applicant and its principals,

(B) Certification of compliance with the alien ownership provisions contained in 47 U.S.C. 310(b),

(C) Tower/antenna heights,

(D) Effective radiated power,

(E) Whether the antenna is directional or omnidirectional, and

(F) An exhibit demonstrating compliance with the contour protection requirements of 47 CFR 73.215, if applicable.

(3) Applications found not to meet minimum filing requirements will be returned to the applicant. Applications found to meet minimum filing requirements, but that contain deficiencies in tender and/or acceptance information, shall be given an opportunity for corrective amendment pursuant to 73.3522 of this part. Applications found to be substantially complete and in accordance with the Commission's core legal and technical requirements will be accepted for filing. Applications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for amendment.

* * * * *

[FR Doc. 99–27638 Filed 10–21–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS–107; Amdt. 192–87]

RIN 2137–AB50

Determining the Extent of Corrosion on Gas Pipelines

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

ACTION: Final rule.

SUMMARY: This final rule requires that when gas pipeline operators find harmful external corrosion on buried metallic pipelines that have been exposed, they must investigate further to determine if additional harmful corrosion exists in the vicinity of the original exposure. Further investigation can help determine the significance of the initial corrosion discovery. The new requirement may prevent accidents due to corrosion that might otherwise go undetected near an exposed portion of pipeline.

EFFECTIVE DATE: This final rule becomes effective November 22, 1999.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow at (202) 366–4559 or furrowl@rspa.dot.gov. General information about RSPA's pipeline safety program can be obtained at http://ops.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Whenever a gas pipeline operator learns that any portion of a buried metallic pipeline is uncovered, the operator is required to examine that portion for evidence of external corrosion, if the pipe is bare or has a deteriorated coating (49 CFR 192.459). In a notice of proposed rulemaking (NPRM) (54 FR 27041; June 27, 1989), RSPA proposed to amend this safety standard to require that when corrosion requiring remedial action is found, the operator must investigate further to determine the extent of the corrosion. The proposed rule did not specify the method or scope of further investigation.

The proposed rule was in response to a rulemaking recommendation the National Transportation Safety Board (NTSB) made after its investigation of a major gas pipeline accident that occurred February 21, 1986, in Lancaster, Kentucky. As discussed in its report of the investigation (NTSB/PAR–87–01), NTSB found that the accident could be attributed to inadequate inspection of the pipeline when it was excavated some time before the accident. Although the operator's visual inspection showed corrosion potentially requiring remedial action, the inspectors did not look for corrosion adjacent to and below the portion of pipe that had been exposed. The location of the failure was only about one foot from the location of the last corrosion pit measured when the pipe was uncovered.

The proposed rule also would conform § 192.459 with 49 CFR 195.416(e), the comparable hazardous liquid pipeline safety standard. Under this latter standard, if harmful corrosion is discovered on certain exposed hazardous liquid pipelines, the operator is required to investigate further to determine the extent of the corrosion.

Discussion of Comments

RSPA received 31 written comments on the NPRM. Twenty-seven of the comments were from gas pipeline operators; two were from trade associations representing operators, the American Gas Association (AGA) and the Interstate Natural Gas Association of America (INGAA); one was from the Public Utility Commission of Oregon; and one was from NTSB.

Many operators thought the proposed rule was reasonable. They said it was consistent with their standard operating practices.

At the same time, other operators felt existing § 192.459 implies an obligation to investigate the extent of harmful corrosion, making the proposed rule redundant. We disagree, however, because of the difference between § 192.459 and § 195.416(e). The present wording of § 192.459 does not explicitly require further investigation, while § 195.416(e) does explicitly require further investigation. This difference in regulatory terms definitely weakens the argument that § 192.459 implicitly requires further investigation.

Only three commenters, all operators, opposed the proposed rule. One of these commenters thought the proposal was unnecessary because other part 192 standards adequately cover corrosion control. However, we think the Lancaster accident shows the need for the proposed rule. If the operator's inspectors had fully investigated the pipeline in the vicinity of the excavation, they could have discovered the harmful corrosion that led to the subsequent accident. Their failure to do so was not contrary to any other part 192 corrosion control standard.

The second commenter said the proposal would discourage operators from exposing and inspecting pipelines. But considering the overriding need for excavations in maintaining or constructing buried pipelines, we doubt the proposed rule is likely to have a significant impact on excavation decisions. Moreover, we do not think excavation decisions have been inhibited by the comparable requirement of § 195.416(e) to investigate the extent of harmful corrosion.

The third commenter who opposed the proposed rule considered it ineffective because of the different approaches operators would take to comply with the rule. Yet the proposed rule was intentionally designed to permit varying approaches to compliance because of the different conditions that are encountered at excavation sites. Assuming each operator's approach is sufficient to determine the extent of harmful corrosion found at an excavation, the rule should be effective overall.

The Public Utility Commission of Oregon commented that exposed pipe should be investigated further whenever any corrosion is observed, even if the corrosion does not need remedial action. Although the aim of this comment is increased safety, we do not think it would be sensible to require operators to explore beyond the original excavation unless harmful corrosion has been observed. Otherwise, there would be no reasonable expectation that any further investigation might be productive.

Many commenters addressed the method of investigation that would be required for compliance. Most of these commenters, including AGA, liked the performance-type wording of the proposed rule, which would permit operators to use any appropriate method. A few operators, however, were concerned that the proposed rule inadequately defined the method of investigation. These commenters wanted the rule to specify particular methods, such as enlarging the excavation, digging potholes, searching corrosion and leak history records, or running an electrical survey, special leak survey, or in-line inspection. They argued that specifying methods would clarify the operator's discretion in choice of method and avoid potential disputes with government inspectors over whether continued excavation is mandatory.

We anticipated this concern about inspection methods and, in the preamble of the NPRM, explained that additional excavation would not be mandatory. We said the proposed rule would permit buried pipe at or near an excavation to be examined either visually or by indirect methods. Nevertheless, in the final rule, we have slightly modified the wording of the proposed rule to avoid possible confusion on this point. The final rule states that indirect methods may be used as well as visual examination to carry out the further investigation. We have not listed particular methods since the alternatives to excavation and visual examination for determining the presence of corrosion are well known. Also, mentioning acceptable methods could unnecessarily limit the use of new technologies.

A majority of the commenters addressed the scope of ''further investigation.'' About half of these commenters, including AGA, were pleased that the performance-type wording of the proposed rule would leave this decision to the operator's discretion. However, most of the remaining commenters were worried that the performance-type wording could be interpreted to require endless investigation of a buried pipeline for corrosion. To limit the investigation, these commenters suggested various changes to the proposed rule. One operator suggested the rule require only a reasonable effort. Several commenters, including INGAA, suggested restricting the investigations to corrosion that is ''within and continuous beyond the bounds of the exposed portion of the pipeline.'' Others suggested limiting the investigations to corrosion that is ''contiguous'' with the original

excavation. In contrast, NTSB urged us to require that investigations include the entire circumference of pipe irrespective of corrosion continuity.

The issue of how far to carry an investigation of harmful corrosion found at an excavation was discussed in the NPRM. Mindful of the Lancaster accident, we were concerned that harmful corrosion located near the exposed portion of pipe would go undetected if operators investigated only for corrosion that adjoins corrosion observed on the exposed portion. However, recognizing the complexity of specifying the scope of investigation, we stated that the proposed rule would allow operators to use their own judgment on where to stop investigating for corrosion. Although many commenters, including AGA, supported this approach, we are sensitive to the position that the proposed rule could be interpreted to set in motion a seemingly endless search for harmful corrosion on some pipelines.

We agree that only a reasonable effort should be required to find corrosion in the vicinity of an exposed, corroded pipe. Nonetheless, we believe the addition of language indicating that only a reasonable effort be made is unnecessary because performance language always requires a reasonable effort. This approach is consistent with common practice. The final rule language indicates that the operator shall investigate circumferentially and longitudinally beyond the exposed pipe to determine whether additional corrosion exists in the vicinity, as NTSB recommended in its comment.

To further define the required scope of investigation, we have also modified the wording of the proposed rule to make it clear that the investigation is required only in the vicinity of the exposed area. This change is consistent with the purpose of the proposed rule, which was to prevent accidents due to the existence of harmful corrosion near the area of pipe exposure.

A few commenters suggested that the final rule exclude distribution lines on the ground that their lower operating pressures pose less risk than transmission lines. Similarly, one commenter asked us to exclude transmission lines that operate below certain stress levels. These commenters apparently felt that further investigation of known areas of harmful corrosion is not warranted on low-pressure pipelines. We disagree. While corrosion may cause only a leak in a pipeline operating at low pressure as opposed to a rupture in a high-pressure pipeline, the damages resulting from a leak can be just as serious as from a rupture. For this reason, we have not excluded distribution lines or low-pressure transmission lines from the final rule.

Advisory Committee Review

We presented the NPRM for consideration by the Technical Pipeline Safety Standards Committee (TPSSC) at a meeting in Washington, DC on September 12, 1989. The TPSSC is RSPA's statutory advisory committee for gas pipeline safety. It has 15 members, representing industry, government, and the public, who are qualified to evaluate gas pipeline safety standards. The TPSSC voted unanimously to find the proposed rule technically feasible, reasonable, and practicable. The TPSSC's report of its consideration of the NPRM is available in the docket.

In addition, in March of this year we invited the current members of the TPSSC to review and comment on the risk assessment information related to the proposed rule, including the estimated costs and benefits included in the Regulatory Evaluation. Of the 15 committee members, only three submitted substantive comments, and these are discussed in the Final Regulatory Evaluation.

One member suggested that we publish another notice of proposed rulemaking in view of the long period since the initial notice. However, as stated above, we recently gave the TPSSC an opportunity to review and comment on the Regulatory Evaluation. We also offered the public an opportunity to comment on the Environmental Assessment of the NPRM (see further discussion below under the National Environmental Policy Act subheading). Considering these recent opportunities for additional comment and that the final rule essentially codifies standard industry practice, we feel there would be little or no new information to be gained from publishing another notice of proposed rulemaking.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

DOT does not consider this action to be a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735, October 4, 1993), and the Office of Management and Budget (OMB) has not reviewed this rulemaking document. Also, DOT does not consider this action significant under its regulatory policies and procedures (44 FR 11034, February 26, 1979).

We prepared a Final Regulatory Evaluation of the costs and benefits of this action, a copy of which is available in the docket. This Evaluation shows that because the final rule is in keeping with current practices of prudent operators, applies only in limited circumstances, and permits operators to decide both the method and extent of compliance effort, the impact of the final rule should be minimal.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), RSPA must consider whether a rulemaking would have a significant economic impact on a substantial number of small entities. Because this action is in keeping with current practices of prudent operators, applies only in limited circumstances, and permits operators to decide both the method and extent of their compliance effort, I certify that this rulemaking action will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12612

This 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), RSPA has determined that the final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Executive Order 13084

We have analyzed this final rule in accordance with the principles and criteria contained in Executive Order 13084, ''Consultation and Coordination with Indian Tribal Governments.'' Because the final rule will not significantly or uniquely affect the Indian tribal governments, the funding and consultation requirements of Executive Order 13084 do not apply.

E. Paperwork Reduction Act of 1995

The final rule has no effect on the paperwork burden of operators subject to part 192. The action expands the scope of some inspections for which records are required by 49 CFR 192.491(c), without expanding the burden of that recordkeeping requirement.

F. Unfunded Mandates Reform Act of 1995

The final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It will not result in costs of $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 objective of the rule.

G. National Environmental Policy Act

We have analyzed the final rule for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Only in limited circumstances will operators enlarge an area of exposed pipe to investigate the extent of corrosion. And non-invasive investigative techniques may be used where necessary to safeguard people and the environment.

The public was given 30 days to comment on the Draft Environmental Assessment (64 FR 28136, May 25, 1999), and one comment was received. This comment requested that operators be allowed to use corrosion pigs to locate metal loss due to corrosion in lieu of expanding the excavation. This option is allowed under the final rule.

We have determined that the final rule will not significantly affect the quality of the human environment.

H. 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 final rule does not require business process changes or require modifications to computer systems. Because the final rule apparently does not affect the ability of organizations to respond to the Year 2000 Problem, we do not intend to delay the effectiveness of the rule changes.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA amends 49 CFR part 192 as follows:

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

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

2. Section 192.459 is revised to read as follows:

§ 192.459 External corrosion control: Examination of buried pipeline when exposed.

Whenever an operator has knowledge that any portion of a buried pipeline is exposed, the exposed portion must be examined for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If external corrosion requiring remedial action under §§ 192.483 through 192.489 is found, the operator shall investigate circumferentially and longitudinally beyond the exposed portion (by visual examination, indirect method, or both) to determine whether additional corrosion requiring remedial action exists in the vicinity of the exposed portion.

Issued in Washington, DC, on October 18, 1999.

Kelley S. Coyner,

Administrator.

[FR Doc. 99–27668 Filed 10–21–99; 8:45 am]

BILLING CODE 4910–60–P