

FOR FURTHER INFORMATION CONTACT:

Mr. Melvin T. Jackson, Veterans Administration (273), 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2095.

SUPPLEMENTARY INFORMATION: On page 37050 of the FEDERAL REGISTER of August 25, 1975, there was published a notice of proposed regulatory development to amend § 18.3 to include a prohibition against discrimination in employment practices in Federally assisted programs. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation. No written comments have been received. However, the following language appearing in § 18.3(d) (1) is deleted as it is not applicable to Veterans Administration programs:

That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is (1) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (2) to provide work experience which contributes to the education or training of the individuals involved.

Accordingly, § 18.3(d) is revised as set forth below.

(Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1; 38 U.S.C. 641, 644, 5031-5037, 5055, 3402(a)(2), Chapters 31, 34, 35, and 36.)

Approved: July 29, 1977.

MAX CLELAND,
Administrator.

In § 18.3, paragraph (d) is added to read as follows:

§ 18.3 Discrimination prohibited.

(d) *Employment practices.* (1) Whenever a primary objective of the Federal financial assistance to a program to which Part 18 applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 (3 CFR Chapter IV) or any Executive order which supersedes it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (d)(1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national

origin in such employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (d)(1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000 d to d-4, prohibits discrimination, on the ground of race, color, or national origin, in programs receiving federal financial assistance. On July 29, 1977, the Administrator of Veterans Affairs adopted the attached amendment to the Title VI regulations of the Veterans Administration, 38 CFR 18.3(d).

Pursuant to Executive Order 11764 (1974), which delegates to the Attorney General responsibility for giving final approval to agency regulation implementing Title VI, I hereby approve the attached amendment to the regulation of the Veterans Administration.

Dated: November 17, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 77-33911 Filed 11-23-77; 8:45 am]

[4310-09]

Title 43—Public Lands: Interior

CHAPTER I—BUREAU OF RECLAMATION,
DEPARTMENT OF THE INTERIOR

PART 424—REGULATIONS PERTAINING
TO STANDARDS FOR THE PREVENTION,
CONTROL, AND ABATEMENT OF ENVIRONMENTAL
POLLUTION OF CONCONULLY LAKE AND CONCONULLY
RESERVOIR, OKANOGAN COUNTY,
WASH.

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule.

SUMMARY: This document establishes rules requiring the Okanogan Irrigation District, Okanogan County, Wash., to require that recipients of district cabin-site and recreation resort leases located on Conconully Lake and Conconully Reservoir comply with applicable federal, state, and local laws, rules and regulations pertaining to water quality and discharge of pollutants into the reservoir. Action is being taken in compliance with the Reclamation Act of June 17, 1902 as amended and supplemented, and the provisions of Articles 34 and 25 of the Repayment Contract IIR-1534, dated September 20, 1948, between the United States and the Okanogan Irrigation District.

EFFECTIVE DATE: November 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. L. David Williamson, Chief, Recreation and Lands Branch, Division of Water and Land, Bureau of Reclamation, Telephone number: (area code) 202-343-5204.

SUPPLEMENTARY INFORMATION: On August 17, 1977, the Bureau of Reclamation published proposed rulemaking (43 CFR Part 424) regarding "Regulations Pertaining to Water Quality Standards and Effluent Limitation Respecting Discharge of Pollutants." Public comments were invited through September 16, 1977. Comments were received from the following three agencies: U.S. Environmental Protection Agency, Okanogan County Health Department, and the Department of Ecology, State of Washington. All three suggested the same modifications be made in the proposed rulemaking; the title should be changed to "Regulations Pertaining to Standards for the Prevention, Control, and Abatement of Environmental Pollution of Conconully Lake and Conconully Reservoir, Okanogan County, Wash." and the phrase "including county regulations governing subsurface waste disposal systems" should be added to the proposed rulemaking. The Bureau of Reclamation has incorporated these suggestions in the final rule.

NOTE:—The Bureau of Reclamation has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

The primary authors of this document are Mr. Mike Misner and Mrs. Jean Kujawa.

It has been determined that this proposed regulation is not a major Federal action significantly affecting the quality of the human environment and that no environmental impact statement pursuant to Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C. Section 4332(c) is required.

§ 424.1 Regulations.

Pursuant to the provisions of Article 34 and 25 of repayment contract IIR-1534, dated September 20, 1948, between the United States and the Okanogan Irrigation District, it is ordered as follows:

The Okanogan Irrigation District shall require that all recipients of cabin-site and recreation resort leases on federal lands situated on Conconully Lake (formerly Salmon Lake) and Conconully Reservoir, Okanogan County, Wash., comply with applicable federal, state and local laws, rules and regulations pertaining to water quality standards and effluent limitations for the discharge of pollutants into said reservoirs, including county regulations governing subsurface waste disposal systems.

Dated: November 17, 1977.

GARY J. WICKS,
Deputy Assistant
Secretary of the Interior.

[FR Doc. 77-33910 Filed 11-23-77; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

SUBCHAPTER D—SAFETY AND SPECIAL RADIO SERVICES

[Docket No. 21349; FCC 77-785]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICE AND ALASKA—PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

Maritime Mobile Services; Changes in Frequencies

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Temporary assignment of new High Frequency (HF) radiotelephone frequencies for use in the maritime mobile service. This action is being taken to prevent disruption of the HF marine telephone service while the Commission finalizes rule making in this proceeding.

EFFECTIVE DATE: January 1, 1978 (for temporary frequency assignment plan).

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Bruce A. Franca or Nicholas G. Baginato, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: November 14, 1977.

Released: November 16, 1977.

By the Commission.

In the matter of amendment of Parts 81 and 83 to implement changes in frequencies, operating procedures and other criteria relating to radiotelephony in the band 4000 to 27500 kHz in the maritime mobile services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974.

1. The ITU World Maritime Administrative Radio Conference, Geneva, 1974, adopted changes in frequencies, operating procedures and other criteria relating to the use of radiotelephony in the HF band, 4000 to 27500 kHz, in the maritime mobile service. The required implementation date for the majority of these changes is January 1, 1978.

2. The Commission issued a Notice of Inquiry (NOI) in the above-entitled matter which was published in the FEDERAL REGISTER on August 5, 1977 (42 FR 40224). Several problem areas appear to exist in the operation and regulation of the marine radiotelephone service, particularly with regard to the use of the 4 MHz band.

3. It is apparent that rulemaking cannot be completed prior to the implementation date of January 1, 1978. Further, because of the complexity of

the issues involved it may be necessary or desirous that an additional inquiry of a much broader scope be instituted. However, in order that maritime radiotelephone service not be disrupted while the issues in this proceeding are being resolved, we are adopting a temporary assignment plan which is contained in the attached Appendix. It is based on a modified one-for-one replacement of frequencies currently in use. Where additional frequencies were available after the "one-for-one" replacement was accomplished, some attempt was made to distribute these frequencies equally among the stations. All frequencies were assigned in the temporary plan to ensure retention of the present U.S. frequency allocation under ITU procedures.¹

4. This action should not be interpreted as constituting, or expected to constitute, the final assignment plan that will be adopted by the Commission. The temporary assignment plan in the attached Appendix is intended to only remain in effect pending final resolution of this proceeding.

5. In view of the foregoing, IT IS ORDERED, That, pursuant to the authority contained in Sections 4(i), and 303(c) and (r) of the Communications Act of 1934, as amended, the temporary frequency assignment plan, as set forth in the attached Appendix, IS ADOPTED, effective January 1, 1978.

FEDERAL COMMUNICATIONS COMMISSION.

WILLIAM J. TRICARICO,
Acting Secretary.

Parts 81 and 83 of 47 CFR Chapter I are amended by adding the following appendix:

APPENDIX

TEMPORARY FREQUENCY ASSIGNMENT PLAN

1. Public Coast Station Frequencies:

Coast station	Channel designation	Coast station transmit (carrier)	Ship station transmit (carrier)
KMI, San Francisco, Calif.	401	4357.4	4063.0
	416	4403.9	4109.5
	417	4407.0	4112.6
	804	8728.2	8204.3
	809	8743.7	8219.8
	814	8759.2	8235.3
	822	8784.0	8260.1
	1201	13,100.8	12,330.0
	1202	13,103.9	12,333.1
	1203	13,107.0	12,336.2
	1229	13,187.6	12,416.8
	1230	13,190.7	12,419.9
	1602	17,236.0	16,463.1
	1603	17,239.1	16,466.2
	1616	17,279.4	16,506.5
	1624	17,304.2	16,531.3
	2214	22,636.3	22,040.3
	2223	22,664.2	22,068.2
	2228	22,679.7	22,083.7
	2236	22,704.5	22,108.5
WOO, New York, N.Y.	410	4385.3	4090.9
	411	4388.4	4094.0
	416	4403.9	4109.5
	422	4422.5	4128.1
	808	8740.6	8216.7
	811	8749.9	8226.0
	815	8762.3	8238.4
	826	8796.4	8272.5

¹See Annex 6, Final Acts of the World Maritime Administrative Radio Conference, Geneva, 1974.

Coast station	Channel designation	Coast station transmit (carrier)	Ship station transmit (carrier)
	1203	13,107.0	12,336.2
	1210	13,128.7	12,357.9
	1211	13,131.8	12,361.0
	1228	13,184.5	12,413.7
	1230	13,190.7	12,419.9
	1605	17,245.3	16,472.4
	1620	17,291.8	16,518.9
	1626	17,310.4	16,537.5
	1631	17,325.9	16,553.0
	2201	22,596.0	22,000.0
	2205	22,608.4	22,012.4
	2210	22,623.9	22,027.9
	2236	22,704.5	22,108.5
WOM, Miami, Fla.	403	4363.6	4069.2
	412	4391.5	4097.1
	417	4407.0	4112.6
	423	4425.6	4131.2
	802	8722.0	8198.1
	805	8731.3	8207.4
	810	8746.8	8222.9
	825	8793.3	8269.4
	831	8811.9	8288.0
	1206	13,116.3	12,345.5
	1208	13,122.5	12,351.7
	1209	13,125.6	12,354.8
	1215	13,144.2	12,373.4
	1223	13,169.0	12,398.2
	1601	17,232.9	16,460.0
	1609	17,257.7	16,484.8
	1610	17,260.8	16,487.9
	1611	17,263.9	16,491.0
	2215	22,639.4	22,043.4
	2216	22,642.5	22,046.5
	2222	22,661.1	22,065.1
WLO, Mobile, Ala.	414	4397.7	4103.3
	419	4413.2	4118.8
	824	8790.2	8266.3
	830	8808.8	8284.9
	1212	13,134.9	12,364.1
	1225	13,175.2	12,404.4
	1226	13,178.3	12,407.5
	1607	17,251.5	16,478.6
	1632	17,329.0	16,556.1
	1641	17,356.9	16,584.0
	2227	22,676.6	22,080.6
	2231	22,689.0	22,093.0
	2237	22,707.6	22,111.6
KQM, Hawaii.	418	4410.1	4115.7
	808	8746.6	8216.7
	1222	13,165.9	12,395.1
	1601	17,232.9	16,460.0
	405	4369.8	4075.4
WAK, New Orleans, La.	404	4366.7	4072.3
KGN, Delcambre, La.			
GREAT LAKES			
WLC, Rogers City, Mich.	409	4382.2	4087.8
	418	4410.1	4115.7
	826	8796.4	8272.5
WMI, Lorain, Ohio.	409	4382.2	4087.8
	418	4410.1	4115.7
	826	8796.4	8272.5
WBL, Buffalo, N.Y.	409	4382.2	4087.8
	418	4410.1	4115.7
	826	8796.4	8272.5

2. Stations operating on inland waterways on a simplex basis.

Coast station location:	Carrier frequency (kHz)
WFN, Jeffersonville, Ind.-Louisville, Ky.	4410.1
	6212.4
	8725.1
	13,103.9
	17,291.8
WJG, Memphis, Tenn.	4115.7
	6212.4
	8201.2
	12,333.1
	16,518.9
WOM, Pittsburgh, Pa.	4410.1
	6515.7
	8213.6
	12,333.1
	16,518.9
WGG, St. Louis, Mo.	4410.1
	6212.4
	8737.5
	13,103.9
	17,291.8

3. Frequencies available for public coast stations, other than common carrier, in Alaska and for use by ship stations for communications with coast stations, other than common carrier located in that zone.

	Until Jan. 1, 1978	Effective Jan. 1, 1978
All zones.....	4380.6 4383.6	4425.6 4397.1
Zone:		
1.....	4403.0	4403.9
2.....	4428.6	4422.5
3.....	4399.8	4369.8
4.....	4425.4	4366.7
5.....	4428.6	4422.5
6.....	4403.0	4403.9

[FR Doc. 77-33495 Filed 11-23-77; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—PIPELINE SAFETY

[Amdt. 192-30; Docket No. OPSO 77-3]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Conversion of Existing Pipelines to Gas Service

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment permits previously used steel pipelines to qualify for use in gas service under Part 192 without meeting the design and construction requirements applicable to new pipelines. The need for the amendment arises from the changing transportation patterns for oil and gas in pipelines in the United States. For example, as new sources of gas become available and past oil sources decline, significant cost savings and environmental benefits are projected from the use of existing oil lines to carry gas. At the present time, however, the Federal gas pipeline safety standards require that any pipeline readied for gas service after March 12, 1971 (July 31, 1977, in the case of offshore gathering lines), must be designed and constructed in accordance with the applicable Federal safety standards. Although appropriate for newly installed gas lines, this requirement is more stringent than necessary to provide for public or employee safety when applied to previously operated steel lines being converted to service subject to Part 192. Most lines being proposed for conversion have been operated safely, and it would impose an unnecessary burden on the future use of the nation's pipeline transportation systems if the proposed use of such lines were denied for failure to meet requirements applicable to new lines.

EFFECTIVE DATE: This amendment becomes effective on December 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank E. Fulton, 202-426-2082.

SUPPLEMENTARY INFORMATION: To alleviate this regulatory burden and the similarly undesirable effect of requiring operators of converted pipelines to obtain waivers from design and construction requirements, the Materials Transportation Bureau (MTB) has adopted alternative safety requirements governing the qualification of existing steel pipelines for service under Part 192. Under the new requirements, an operator prepares and follows a written conversion procedure. The procedure must provide for visual inspection and historical review of the pipeline to identify actual or potential sources of failure. The review must be supplemented with appropriate tests, such as physical or chemical testing, where historical records are insufficient to judge the line's condition. Problem areas must be corrected, normally by repair, replacement, or other alteration. A pressure test must be performed to demonstrate that the structural integrity of the pipeline is sufficient for safe operation. Finally, the operator must keep a record of the investigations, tests, and remedial measures conducted on the pipeline.

This amendment results from a Notice of Proposed Rulemaking (Notice 77-2) issued by the Office of Pipeline Safety Operations on March 18, 1977, (42 FR 15932, March 24, 1977). The Notice was based, in part, on a petition by the Interstate Natural Gas Association of America to establish alternative requirements governing the safety of existing pipelines being converted to service under Part 192. Interested persons were invited to participate in the rulemaking proceeding by submitting written data, views, or arguments by May 5, 1977. In addition, in accordance with Sec. 4(b) of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1673(b)), the Technical Pipeline Safety Standards Committee (TPSSC) met in Washington, D.C., on June 7 and 8, 1977, to consider the proposal. The TPSSC's report is set forth below.

Notice 77-2 proposed that a new Subpart N be established to prescribe safety standards for the conversion of existing steel pipelines to service subject to Part 192. In conjunction with this proposal, the Notice proposed that § 192.13 be amended to exempt pipelines converted in accordance with Subpart N from the design and construction requirements of Part 192. In the final rules, however, for organizational simplicity, the substance of the proposed Subpart N, relating to written procedures (§ 192.803(c)), recordkeeping (§ 192.803(d)), and structural integrity (§ 192.805(b)(2)-(4)), is transferred to a new § 192.14. Except for an amendment to § 192.619(a)(2)(ii), the substantive proposals relating to operation and maintenance (§ 192.807(a)) and maximum allowable operating pressure (§ 192.809) are deleted as duplicative of current requirements in Part 192 governing those subjects. The current requirements would apply to any existing steel pipeline which qualifies for use under Part 192 in accordance with the new § 192.14. The substance of proposed § 192.807(b), which would provide a 12-month leadtime for a converted pipeline to meet the corrosion control requirements of Subpart I, is transferred to § 192.452 with additional changes as discussed below.

The remaining provisions in the Notice are deleted as unnecessary as a result of the organizational change. In adopting the final rules, MTB considered all the written comments received as a result of Notice 77-2 and the recommendations of the TPSSC. A discussion of the significant comments and recommendations and their relation to changes in the final rules follows. Changes intended for clarification of the substance of the proposal and editorial modifications which do not alter the proposal are not discussed. All the public commenters and the TPSSC agreed with the need for the amendment, although many individual changes were suggested. One commenter thought the new conversion rules should be broadened in scope to apply to "pipeline facilities" and not just "pipelines" as proposed in the Notice. This comment was not adopted because the proposed conversion rules were not intended to qualify for use under Part 192 any facility other than a pipeline. Any existing facility other than a pipeline that an operator wants to use in service under Part 192 would have to qualify for use either by meeting applicable requirements or by appropriate waiver. One commenter and the TPSSC requested that the final rules be changed to exclude from coverage those pipelines which are designed and built to alternately carry gas and oil in dual service. This request was made because it could be inferred from the Notice that an operator would have to carry out conversion procedures each time such a pipeline is changed from oil to gas service. Notwithstanding this inference, MTB did not intend that the procedures be mandatory in these situations. A dual service pipeline, having been designed and built for gas service subject to Part 192, does not undergo "conversion" within the meaning of Notice 77-2. MTB believes this problem of interpretation is corrected in the final rules where, under §§ 192.13(a)(2) and 192.14, it is clear that the conversion procedures only apply at the time an existing steel pipeline is readied for gas service subject to Part 192. The procedures do not affect existing dual service lines which either were built in accordance with the design and construction requirements of Part 192 or are not subject to those requirements because they were readied for service subject to Part 192 before the effective dates set forth in § 192.13(a). Also, under the final rules, an operator who wishes to convert an existing oil line to dual service may do so under § 192.14. Commenting on a provision in § 192.801 in the Notice, which provided that the Secretary must grant an approval for conversion of any pipeline not made of steel, one person suggested that State agencies be authorized to approve the conversion of intrastate pipelines. Despite the term "approval," this provision was not intended to establish an independent case-by-case process for qualifying the conversion of nonsteel pipelines to service subject to Part 192. It merely was intended to emphasize that

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the proposed conversion procedures were not applicable to the conversion of non-steel pipelines, and that if such a pipeline could not meet the design and construction requirements of Part 192, the operator would have to obtain a waiver from the Secretary for any requirements which could not be met. Since Part 192 does not contain any general provision governing waivers, it does not appear necessary to include such a provision specifically for the conversion of non-steel pipelines. It is therefore deleted from the final rules. Interested persons should recognize, however, that for intrastate pipelines subject to the Natural Gas Pipeline Safety Act of 1968 (49 USC 1671 et seq.), State agencies participating under Sec. 5 of the Act are authorized to grant waivers from compliance with any design or construction requirement which a nonsteel pipeline that is proposed for conversion cannot meet. MTB will review each waiver of this type before it becomes effective.

It was suggested by one commenter that the government assume greater control over conversion projects by requiring that an operator's procedures be submitted for government review before a project begins. MTB does not favor this regulatory approach which, in effect, would require operators to obtain a government permit for each conversion project. The approach would create an additional burden on both government and industry that does not appear warranted by the safety problems involved in a steel pipeline conversion project. The safety of a converted pipeline can be provided through the establishment and enforcement of adequate general safety standards covering the full range of identifiable safety problems. The purpose of this rulemaking proceeding is to meet this objective.

A number of commenters and the TPSSC were concerned about the proposal under § 192.805(b) (2) in the Notice that a conversion be "consistent" with Part 192. They interpreted this provision as requiring application of the design and construction requirements, although the purpose of Notice 77-2 was to avoid this result. To eliminate any possible confusion on the point, the provision is not included in the standards for conversion in § 192.14.

Notice 77-2 proposed that pipelines being converted must be pressure tested in accordance with Subpart J of Part 192 except for pipelines tested similarly within the preceding 5 years. Several commenters asked that this exception be broadened to cover additional circumstances. Two persons interested in offshore pipelines requested that the exception include pipelines satisfactorily tested in accordance with the U.S. Geological Survey's Order No. 9. Others argued that a pipeline's operating history since it was last tested, rather than an arbitrary 5-year time period, should be adopted as a determinant of whether a new test is necessary.

Notwithstanding these comments to enlarge the proposed exception from pressure testing, in the final rules MTB

has adopted the TPSSC's recommendation that a new pressure test be mandatory for all converted pipelines. Upon further consideration, MTB agrees with the TPSSC's view that a pressure test is the best indicator of defects which may still exist in the pipeline even though it otherwise appears in satisfactory condition. In other words, harmful damage to a pipeline occurring since it was last tested which might not be discovered by investigations alone probably would be detected by a new pressure test.

Several commenters and the TPSSC pointed out that the proposed requirements under § 192.809 in the Notice for determining the maximum allowable operating pressure (MAOP) of a converted pipeline would allow the MAOP to exceed the design pressure of the pipeline. This result was not intended in drafting Notice 77-2, and it would be contrary to the current requirements under § 192.619(a) for determining the MAOP of any pipeline subject to Part 192. These comments were taken into account by developing a final rule which deletes the proposed § 192.809 as duplicative of the current requirements in Part 192 governing MAOP.

Notice 77-2 provided in § 192.809 that the factors prescribed by § 192.619(a) (2) (ii) were to be used in determining the MAOP of a converted pipeline, except that for a pipeline in a Class 1 location, the minimum factor was to be 1.25. This factor was consistent with the proposal under § 192.805(b) (4) in the Notice, providing that converted pipelines must be tested to at least 1.25 times the proposed MAOP. In the final rules, this proposed minimum test pressure requirement is prescribed by § 192.14(a) (4) and an amendment to § 192.619(a) (2) (ii) which sets forth the applicable factors for converted pipelines. Other than the minimum factor of 1.25, the factors adopted for a converted pipeline, located either offshore or onshore, are the same as the ones applicable to newly installed pipelines. The smaller factors in § 192.619(a) (2) (ii), applicable to gas pipelines installed before certain dates, were not adopted for converted pipelines. The smaller factors were established to permit then existing gas lines to continue in use without having to be retested to the higher test pressures required for new pipelines. There is no need for a similar "grandfather" provision for converted lines.

One further change in the final rules involves the applicability of the corrosion control requirements of Subpart I of Part 192 to converted pipelines. Under § 192.807(b) in the Notice, it was proposed that converted pipelines be allowed 12 months leadtime to meet these requirements without regard to how the requirements should apply. If the current requirements were applied, a converted pipeline which was installed after July 31, 1971, would have to meet those corrosion control requirements specifically applicable to newly installed pipelines (e.g., § 192.455) as well as any generally applicable requirements. Because of the

problems of coating and cathodically protecting an existing pipeline, MTB believes that it would be unreasonable in most cases to require that a converted pipeline meet corrosion control requirements specifically applicable to newly installed pipelines. Thus, for purposes of corrosion control, converted lines should for the most part be treated similarly to gas pipelines existing when Subpart I was adopted. They should be required to meet the requirements applicable to gas pipelines installed before August 1, 1971 (e.g., § 192.457). However, a few exceptions should apply to this rule. Pipeline segments which are replaced, relocated, or substantially altered during the conversion of an existing line can readily comply with requirements applicable to new pipelines. Also, segments which already meet these requirements before being converted to gas service, such as a steel pipeline constructed in compliance with 49 CFR Part 195, should be required to maintain that level of safety. Of course, any new segment installed in conjunction with a converted pipeline must meet the corrosion control requirements governing a new line even though it may appear to be part of an overall conversion project. Accordingly, a new § 192.452 is established governing the applicability of Subpart I to converted pipelines.

REPORT OF THE TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards pertaining to gas pipelines be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the technical feasibility, reasonableness, and practicability of each proposal. This amendment to Part 192 was submitted as Item 2 in a list of two proposed amendments at a meeting in Washington, D.C., on June 7 and 8, 1977. On July 11, 1977, the Committee filed the following favorable report. A minority report was not filed.

This communication is the official report of the Technical Pipeline Safety Standards Committee concerning the Committee's action on two amendments to 49 CFR Part 192 proposed by the Office of Pipeline Safety Operations and other matters which the Committee decided should be brought to the attention of the Department of Transportation.

The following described actions were taken by the Committee at a meeting held in Washington, D.C., on June 7 and 8, 1977.

Item 2 of the agenda was a proposal by OPSO to establish a new Subpart N—Conversion of Existing Pipeline to Gas Service within Part 192 of Title 49, Code of Federal Regulations, as published in Notice 77-2; Docket No. OPSO-77-3. By an affirmative vote of 10-1, the Committee found the following language for revision of § 192.13 (a) and (b), addition to Table of Contents and for Subpart N, is technically feasible, reasonable, and practicable.

[The substance of the language suggested is adopted in the final rules as discussed above.]

The Committee was apprised of the problem created by Subpart N in respect to pipelines which, from an operating sense, regularly switch from gas to liquid and back again. From the language of Subpart N the mandated requirements for conversion would have to be met at each change.

By a unanimous affirmative vote, it was agreed that the Committee's intent in adopting Subpart N was to not make it applicable to the operating conversion of liquid lines to gas and vice versa from an operations standpoint, and that OPSO staff be requested to draft appropriate changes to clarify the intent of Subpart N.

PRINCIPAL AUTHORS

F. E. Fulton, L. M. Furrow and R. L. Beauregard.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows, effective December 30, 1977.

1. Section 192.13(a) is revised to read as follows:

§ 192.13 General.

(a) No person may operate a segment of pipeline that is readied for service after March 12, 1971, or in the case of an offshore gathering line, after July 31, 1977, unless—

(1) The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part; or

(2) The pipeline qualifies for use under this part in accordance with § 192.14.

2. Section 192.14 is added to read as follows:

§ 192.14 Conversion to service subject to this part.

(a) A steel pipeline previously used in service not subject to this part qualifies for use under this part if the operator prepares and follows a written procedure to carry out the following requirements:

(1) The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation.

(2) The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.

(3) All known unsafe defects and conditions must be corrected in accordance with this part.

(4) The pipeline must be tested in accordance with Subpart J of this part to substantiate the maximum allowable operating pressure permitted by Subpart L of this part.

(b) Each operator must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (a) of this section.

3. Section 192.452 is added to read as follows:

§ 192.452 Applicability to converted pipelines.

Notwithstanding the date the pipeline was installed or any earlier deadlines for compliance, each pipeline which qualifies for use under this part in accordance with § 192.14 must meet the requirements of this subpart specifically applicable to pipelines installed before August 1, 1971, and all other applicable requirements within 1 year after the pipeline is readied for service. However, the requirements of this subpart specifically applicable to pipelines installed after July 31, 1971, apply if the pipeline substantially meets those requirements before it is readied for service or it is a segment which is replaced, relocated, or substantially altered.

4. The table of factors in § 192.619(a) (2) (ii) is amended to read as follows:

§ 192.619 Maximum allowable operating pressure: steel or plastic pipelines.

- (a) * * *
(2) * * *
(i) * * *
(ii) * * *

Class location	Factors ¹ , segment—		
	Installed before Nov. 12, 1970	Installed after Nov. 11, 1970	Converted under § 192.14
1.....	1.1	1.1	1.25
2.....	1.25	1.25	1.25
3.....	1.4	1.5	1.5
4.....	1.4	1.5	1.5

¹ For offshore segments installed, uprated, or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For segments installed, uprated, or converted after July 31, 1977, that are located on an offshore platform or on a platform in inland navigable waters (including a pipe riser), the factor is 1.5.

5. The table of sections is amended by adding the following new headings:

Sec. 192.14 Conversion to service subject to this part.
192.452 Applicability to converted pipelines.

(49 USC 1672; 49 USC 1804; 49 CFR 1.53(a).)

Issued in Washington, D.C., on November 18, 1977.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc. 77-33967 Filed 11-23-77; 8:45 am]

[4910-60]

[Amdts. 192-29; 195-12; Docket No. OPSO-38]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Longitudinal Seams in Pipe Bends; Correction

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Correction.

SUMMARY: This document corrects a final rules document that appeared at page 42865 in the FEDERAL REGISTER of Thursday, August 25, 1977 (FR Doc. 77-24303).

EFFECTIVE DATE: November 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Peggy Hammond, 202-426-0135.

SUPPLEMENTARY INFORMATION: By Amendments 192-29 and 195-12, new §§ 192.313(a) (4) (ii) and 195.212(b) (3) (ii) were added, respectively, to Parts 192 and 195 to provide that the longitudinal seam of steel pipe need not be placed near the neutral axis during bending if—

"The pipe is 12 inches or less in outside diameter with a diameter to wall thickness ratio less than 70."

As stated in the preamble, the rationale for adopting this provision was that "safe bends in steel pipe 12 inches or less in outside diameter with a D/t (diameter to thickness) ratio of less than 70 can be made without using an internal bending mandrel even though the longitudinal seam is not placed near the neutral axis of the bend." This rationale purportedly was based on comments received on Notice 76-2 (41 FR 46463, Oct. 21, 1976), which proposed to remove the requirement for placement of the longitudinal seam near the neutral axis when a bending mandrel is used. Recently, however, several interested persons have pointed out that both the final rule and the rationale incorrectly reflect the written comments in the docket and the position of the Technical Pipeline Safety Standards Committee (TPSSC). These persons have stated that the view of commenters and the TPSSC was that pipe 12 inches and under in diameter can be bent safely without a mandrel and without placing the longitudinal seam near the neutral axis, irrespective of the D/t ratio. In addition, they stated the record shows that any size pipe with a D/t ratio of less than 70 can likewise be bent safely.

After thoroughly reviewing the matter, it appears that Amendments 192-29 and 195-12 are in fact inconsistent with the record as the interested persons have stated.

Accordingly, the following corrections are made:

1. Section 192.313(a) (4) (ii) is corrected to read as follows:

§ 192.313 Bends and elbows.

- (a) * * *
(4) * * *

(ii) The pipe is 12 inches or less in outside diameter or has a diameter to wall thickness ratio less than 70.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, 49 USC 1672; for offshore gathering lines, Sec. 105, Pub. L. 93-633, 88 Stat. 2157, 49 USC 1804; 49 CFR 1.53.)

2. Section 195.212(b) (3) (ii) is corrected to read as follows:

§ 195.212 Bending of pipe.

- (b) * * *

(ii) The pipe is 12 inches or less in outside diameter or has a diameter to wall thickness ratio less than 70.

(Sec. 6, Pub. L. 89-670, 80 Stat. 937, 48 USC 1655; 18 USC 831-835; 49 CFR 1.53.)

Issued in Washington, D.C., on November 18, 1977.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc.77-33914 Filed 11-23-77;8:45 am]

[3510-12]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION
AND MANAGEMENT, NATIONAL OCEANIC
AND ATMOSPHERIC ADMINISTRATION,
DEPARTMENT OF COMMERCE

PART 611—GROUND FISH OF THE GULF
OF ALASKA

Emergency Amendment

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Emergency amendment of regulations.

SUMMARY: This document sets forth an emergency amendment to the foreign fishing regulations currently in effect for the Gulf of Alaska Trawl Fishery (50 CFR 611). Specifically, this document amends 50 CFR 611.20(c) (1) and 611.91 (b) for the remainder of 1977 by combining the foreign catch quotas for "Pacific ocean perch" and "other rockfishes".

EFFECTIVE DATE: 12:01 a.m., November 18, 1977, and shall remain in effect for 45 days, unless repromulgated for an additional 45-day period thereafter.

ADDRESS: Send comments to: Director, National Marine Fisheries Service, 3200 Whitehall NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802, 907-586-7221.

SUPPLEMENTARY INFORMATION: In accordance with section 201(g) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(g)), the Secretary of Commerce prepared a Preliminary Management Plan (PMP) for the Trawl Fishery of the Gulf of Alaska (42 FR 8782, February 11, 1977) which was implemented, along with other PMP's, by Part 611 of the Foreign Fishing Regulations published on February 11, 1977 (50 CFR 611, 42 FR 8813).

While the PMP generally characterized Pacific ocean perch and other rockfishes as comprising a (single species) group of closely allied species in the Gulf of Alaska, §§ 611.91(b) and 611.20(c) (1) of the regulations established separate

foreign catch quotas for Pacific ocean perch and "other rockfishes", in spite of the fact that perch are very similar in appearance to certain types of other rockfish. This was done in an attempt to obtain further refinement in reported catch data.

On the basis of information developed by U.S. observers, it appears that Japanese fishermen have been mistakenly identifying substantial amounts of "other rockfish" as perch in the Gulf of Alaska. In the past, these fishermen have not been required to separate perch from other rockfish. Catch estimates based on observer information indicate that the Japanese have exceeded their quota for other rockfish in the Gulf, while a significant portion of their allocation for Pacific ocean perch remains untaken. It appears that certain portions of the catch reported as Pacific ocean perch are actually other rockfish.

Because of such an apparently unintentional mis-identification of species in the reported catch figures, § 611.91(d) (6) would require that all fishing by the Japanese in the Gulf of Alaska Trawl Fishery for the remainder of 1977 cease immediately as a result of exceeding their quota for other rockfish, denying them large portions of their allocations in pollock and other groundfish. Combining the foreign quotas for Pacific ocean perch and other rockfish to form a single quota for rockfish, including Pacific ocean perch, for the remainder of 1977 will prevent such an unduly harsh result. Existing information indicates that combining the quotas for this limited period would not have a significant impact on the resource involved.

Based upon these considerations, the Preliminary Management Plan for the Trawl Fishery of the Gulf of Alaska is hereby amended to combine the foreign quotas for Pacific ocean perch and other rockfish. The foreign fishing regulations are therefore also amended to implement the PMP amendment. Formal notice of proposed rulemaking would be impractical, unnecessary, and contrary to the public interest. Accordingly, this amendment is effective immediately in accordance with section 553(b) of the Administrative Procedure Act, 60 Stat. 237, as amended.

Issued this 17th day of November 1977, at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

The Table in 50 CFR 611.91(b) is amended to read as follows:

§ 611.9 Gulf of Alaska Trawl Fishery.

- (b) * * *

Species:	Catch quota (metric tons)
Pollock	149,000
Rockfish	33,000
Flounders	20,500
Sablefish	(1)
Atka mackerel	22,000
Pacific cod	2,300
Others (combination)	16,200

§ 611.20 [Amended]

50 CFR 611.20(c) (1), Table 2, is amended by combining the individual foreign allocations of "Pacific ocean perch" and "other rockfishes" to form a single allocation for "rockfishes" in the Gulf of Alaska for Japan, the U.S.S.R. and the Republic of Korea.

[FR Doc.77-33947 Filed 11-23-77;8:45 am]

[3510-12]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Bowhead Whale; Designation as Depleted Species

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Final rule.

SUMMARY: The bowhead whale (*Balaena mysticetus*) is declared depleted throughout its range and is, therefore, designated as a depleted species under Section 3(1)(B) and Section 3(1)(C) of the Marine Mammal Protection Act of 1972.

EFFECTIVE DATE: November 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William P. Jensen, Marine Mammal Program Manager, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7461.

SUPPLEMENTARY INFORMATION: On June 10, 1977, notice was published in the FEDERAL REGISTER (42 FR 29946) proposing designation of the bowhead whale (*Balaena mysticetus*) as depleted through its range under Section 3(1)(B) of the Marine Mammal Protection Act of 1972.

Interested parties were given the opportunity to submit comments, views, or objections regarding the proposed designation.

Comments were received from 7 parties, of which 5 favored and 2 opposed the proposed designation.

Respondents favoring the proposed designation expressed concern over the recent increase in whaling effort, harvest levels, and struck/lost ratio of an endangered species, scientific uncertainty over the status of bowhead stocks, the native use of non-traditional harvest methods, decline in native subsistence needs, wasteful take, the legality of natives not inhabitants of whaling villages having participated in the harvests, and the erosion of U.S. credibility within the International Whaling Commission.

Respondents opposing the proposed designation expressed concern over lack of scientific evidence to warrant such an action, destruction of the native culture, causing an increase in welfare payments, and the legality of the proposed designation i.e., does the fact that the bowhead whale has been listed as "endangered,"