

Susan Kuznick, Office of General Counsel, Department of Energy (202) 252-6975

SUPPLEMENTARY INFORMATION: The reorganization of September 20, 1981, transferred the Departmental responsibility for transportation operations and traffic management from the Assistant Secretary for Nuclear Energy to the Assistant Secretary for Defense Programs.

These amendments are technical, nonsubstantive amendments to a regulation relating to agency management about which there is no substantial issue of law or fact. Accordingly, prior notice and comment are not required, and the amendments can be made effective immediately. Because these amendments relate to agency management, neither E.O. 12291 nor the Regulatory Flexibility Act applies to them. DOE has determined that there are no environmental impacts associated with these amendments.

List of Subjects in 41 CFR Part 109-40

Freight, Government, Property management, Transportation.

Issued in Washington, D.C. October 1, 1982.
Herman E. Roser,
Assistant Secretary for Defense Programs.

PART 109-40—[AMENDED]

In consideration of the foregoing, 41 CFR Part 109-40 is amended as follows:

1. The authority citation for Part 109-40 is as follows:

Authority: Sec. 161, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, as amended, 63 Stat. 390 (40 U.S.C. 486); sec. 644, 91 Stat. 585 (42 U.S.C. 7254).

§ 109-40.000-50 [Amended]

2. Section 109-40.000-50 is amended by inserting "and DOE Order 1540.1" between the word "regulations" and the word "and" in the eleventh line.

§ 109-40.103-2 [Amended]

3. Section 109-40.103-2 is amended to correct the spelling of the word "necessary" in the ninth line.

§ 109-40.109 [Amended]

4. Section 109-40.109 is amended by changing the title of the responsible party at the beginning of the second sentence to "The DOE-HQ Manager, Transportation Operations and Traffic."

§ 109-40.112 [Amended]

5. Section 109-40.112 is amended by changing the word "established" in the sixth line to "establishment."

§ 109-40.5001 [Amended]

6. Section 109-40.5001 is amended by changing the title in the last sentence to

"the DOE-HQ Manager, Transportation Operations and Traffic."

§ 109-50.5101 [Amended]

7. Section 109-50.5101 is amended by changing its number to "§ 109-40.5101" and by changing the title in the last two lines to "the DOE-HQ Manager, Transportation Operations and Traffic."

[FR Doc. 82-26877 Filed 10-20-82; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173 and 178

[Docket No. HM-56; Amdt. Nos. 107-10, 171-66, 172-74, 173-158, 174-41, 175-23, 177-55, 178-72, 179-31]

Hazardous Materials Regulations; Miscellaneous Amendments

Correction

In FR Doc. 82-26872, beginning on page 43062, in the issue of Thursday, September 30, 1982, make the following corrections:

1. On page 43064, in § 172.101, the second column of the table, line 7, change "substances" to "substance" and in the same table, the fifth column under "Specific requirements", insert the word "to" after "173.61".

2. On page 43065, § 172.101, the fourth column, line 7, correct "oxidize" to read "oxidizer".

3. On page 43065, last column, in § 173.302 line 2 of the formulas, insert "()" before "D²-d²". As corrected, the line reads: "S-P((1.3D²+0.4d²)/(D²-d²)) and inserting."

4. On page 43067, the first column, insert the following sections before the first entry of § 178.5-9(f):

§ 178.0-3(a)(2)

§ 178.1-4(a)

§ 178.1-8(a)(2)

§ 178.1-9(f)

§ 178.4-4(b)

§ 178.4-7(a)(2)

§ 178.4-8(f)

§ 178.5-7(a)(2)

5. On page 43067, the first column, line 26 from the bottom of the page, correct the entry now reading "§ 178.244-4(a)(2)" to read "§ 178.224-4(a)(2)" and in the second column, line 2, correct "§ 178.57-20(a)(2)" to read "§ 178.57-20(a)(3)".

BILLING CODE 1505-01-M

49 CFR Parts 192 and 195

[Amdts. 192-43 and 195-24; Docket No. PS-73]

Transportation of Natural and Other Gas and Hazardous Liquids by Pipeline; Inspection and Test Intervals

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: This amendment restates the time intervals in which periodic inspections, tests, and other activities must be conducted. Current requirements do not permit sufficient flexibility in scheduling personnel.

EFFECTIVE DATE: This amendment becomes effective November 22, 1982.

FOR FURTHER INFORMATION CONTACT:

Ralph T. Simmons, 202-426-2392. Copies of the amendment may be obtained from the Dockets Branch, Room 8426, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Federal gas pipeline safety standards in Part 192 and the Federal hazardous liquids pipeline safety standards in Part 195 require pipeline operators to conduct various inspections, tests, and other activities at frequently recurring time intervals. For example, § 195.420 requires that each main line valve on a hazardous liquid pipeline system be inspected at intervals not exceeding 6 months to determine that it is functioning properly.

Petitioners (Interstate Natural Gas Association of America, Mountain Fuel Resources, Inc. (P-8), American Petroleum Institute (P-11), and Explorer Pipeline Company (82-IW)) have argued that such recurring time intervals do not permit sufficient flexibility in scheduling personnel. They stated that the extremes of weather and unexpected delays in scheduled work unavoidably conflict with the specified intervals, but that restating the periodic requirements on a calendar year basis, with longer intervals, would provide the flexibility needed to schedule personnel to meet the requirements without reducing public safety.

Experience shows that requirements for periodic action based on a fixed recurring interval do not allow sufficient flexibility in scheduling personnel. However, minor modifications which extend the intervals without reducing the number of inspections, tests, or other activities that must be performed each year will allow operators more

discretion in scheduling. The inspection and testing intervals specified by the corrosion control regulations in Part 192 were modified in 1978 to achieve this result (Amendment No. 192-33; 43 FR 39389).

Because this document does not substantively change the requirements in Parts 192 and 195 for pipeline facilities, good cause exists for finding that notice and public procedure are unnecessary, and in accordance with 5 U.S.C. 553, the amendment is final.

Also, since the amendment will have a positive effect on the economy of less than \$100 million a year, will result in a cost savings to consumers and industry, and no adverse effects are anticipated, this action is not "major" under Executive Order 12291 or "significant" under Department of Transportation procedures.

List of Subjects in 49 CFR Parts 192 and 195

Pipeline safety.

For the above reasons, 49 CFR Parts 192 and 195 are amended as set forth below:

1. The authority citation for Part 192 is:

Authority: 49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53 and Appendix A to Part 1.

2. The authority citation for Part 195 is:

Authority: Sec. 203, Pub. L. 96-129, 93 Stat. 1004, 49 U.S.C. 2002; 49 CFR 1.53 and Appendix A to Part 1.

PART 192—[AMENDED]

3. In § 192.227, paragraph (c)(1) is revised and the introductory text of paragraph (c)(2) is revised to read as follows:

§ 192.227 [Amended]

(c) ***

(1) Within the preceding 15 calendar months, the welder has requalified, except that the welder must requalify at least once each calendar year; or

(2) Within the preceding 7½ calendar months, but at least twice each calendar year, the welder has had—

4. The table in § 192.705(b) is revised to read as follows:

§ 192.705 Transmission lines: Patrolling.

(b) ***

Class location of line	Maximum interval between patrols	
	At highway and railroad crossings	At all other places
1, 2.....	7½ months; but at least twice each calendar year.	15 months; but at least once each calendar year.
3.....	4½ months; but at least four times each calendar year.	7½ months; but at least twice each calendar year.
4.....	4½ months; but at least four times each calendar year.	4½ months; but at least four times each calendar year.

5. Section 192.706(b) is revised to read as follows:

§ 192.706 Transmission lines: Leakage surveys.

(b) Leakage surveys of a transmission line must be conducted at intervals not exceeding 15 months, but at least once each calendar year. However, in the case of a transmission line which transports gas in conformity with § 192.625 without an odor or odorant, leakage surveys using leak detector equipment must be conducted—

(1) In Class 3 locations, at intervals not exceeding 7½ months, but at least twice each calendar year; and

(2) In Class 4 locations, at intervals not exceeding 4½ months, but at least four times each calendar year.

6. Section 192.721(b) is revised to read as follows:

§ 192.721 Distribution systems: Patrolling.

(b) Mains in place or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled at intervals not exceeding 4½ months, but at least four times each calendar year.

7. Section 192.723(b)(1) is revised to read as follows:

§ 192.723 Distribution systems: Leakage surveys and procedures.

(b) ***

(1) A gas detector survey must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks, at intervals not exceeding 15 months, but at least once each calendar year.

8. Section 192.731(c) is revised to read as follows:

§ 192.731 Compressor stations: Inspection and testing of relief devices.

(c) Each remote control shutdown device must be inspected and tested at

intervals not exceeding 15 months, but at least once each calendar year, to determine that it functions properly.

9. The introductory text of § 192.739 is revised to read as follows:

§ 192.739 Pressure limiting and regulating stations: Inspection and testing.

Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is—

10. Section 192.743(a) is revised to read as follows:

§ 192.743 Pressure limiting and regulating stations: Testing of relief devices.

(a) If feasible, pressure relief devices (except rupture discs) must be tested in place, at intervals not exceeding 15 months, but at least once each calendar year, to determine that they have enough capacity to limit the pressure on the facilities to which they are connected to the desired maximum pressure.

11. Section 192.745 is revised to read as follows:

§ 192.745 Valve maintenance: Transmission lines.

Each transmission line valve that might be required during any emergency must be inspected and partially operated at intervals not exceeding 15 months, but at least once each calendar year.

12. Section 192.747 is revised to read as follows:

§ 192.747 Valve maintenance: Distribution systems.

Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced at intervals not exceeding 15 months, but at least once each calendar year.

13. Section 192.749(a) is revised to read as follows:

§ 192.749 Vault maintenance.

(a) Each vault housing pressure regulating and pressure limiting equipment, and having a volumetric internal content of 200 cubic feet or more, must be inspected at intervals not exceeding 15 months, but at least once each calendar year, to determine that it is in good physical condition and adequately ventilated.

PART 195—[AMENDED]

14. Section 195.402(a) is revised to read as follows:

§ 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed at intervals not exceeding 15 months, but at least once each calendar year, and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence, and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

15. The introductory text of § 195.403(b) is revised to read as follows:

§ 195.403 Training.

(b) At intervals not exceeding 15 months, but at least once each calendar year, each operator shall:

16. Section 195.412(a) is revised to read as follows:

§ 195.412 Inspection of rights-of-way and crossings under navigable waters.

(a) Each operator shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way.

17. In § 195.416, paragraphs (a) and (c) are revised to read as follows:

§ 195.416 External corrosion control.

(a) Each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, conduct tests on each underground facility in its pipeline systems that is under cathodic protection to determine whether the protection is adequate.

(c) Each operator shall, at intervals not exceeding 2½ months, but at least six times each calendar year, inspect each of its cathodic protection rectifiers.

18. Section 195.418(c) is revised to read as follows:

§ 195.418 Internal corrosion control.

(c) The operator shall, at intervals not exceeding 7½ months, but at least twice each calendar year, examine coupons or other types of monitoring equipment to determine the effectiveness of the inhibitors or the extent of any corrosion.

19. Section 195.420(b) is revised to read as follows:

§ 195.420 Valve maintenance.

(b) Each operator shall, at intervals not exceeding 7½ months, but at least twice each calendar year, inspect each mainline valve to determine that it is functioning properly.

20. Section 195.428(a) is revised to read as follows:

§ 195.428 Overpressure safety devices.

(a) Except as provided in paragraph (b) of this section, each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, or in the case of pipelines used to carry highly volatile liquids, at intervals not to exceed 7½ months, but at least twice each calendar year, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

21. Section 195.432 is revised to read as follows:

§ 195.432 Breakout tanks.

Each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, inspect each breakout tank (including atmospheric and pressure tanks).

Issued in Washington, D.C., on October 15, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-28878 Filed 10-20-82; 8:45 am]

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Federal Railroad Administration

Urban Mass Transportation Administration

49 CFR Part 670

[UMTA Docket No. 82-B]

Transfer of Conrail Commuter Service Operations

AGENCY: Federal Railroad Administration (FRA) and Urban Mass

Transportation Administration (UMTA), DOT.

ACTION: Rule-related notice.

SUMMARY: The purpose of this document is to clarify the scope of the final rule published by FRA and UMTA on August 5, 1982 (47 FR 33965), to implement section 1139(b) of the Northeast Rail Service Act of 1981. Since the publication of the final rule, Congress has appropriated an additional \$5 million in commuter transition assistance. This document extends coverage of the final rule to the newly appropriated funds.

FOR FURTHER INFORMATION CONTACT: William R. Fashouer, Office of the Chief Counsel of the Federal Railroad Administration, (202) 426-7710, or Anthony A. Anderson, Office of the Chief Counsel of the Urban Mass Transportation Administration, (202) 426-4011, both located at 400 Seventh Street, S.W., Washington, D.C. 20590. FRA and UMTA office hours are from 8:30 a.m. to 5:00 p.m. EST, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of this document is to clarify the scope of the final rule published by FRA and UMTA on August 5, 1982 (47 FR 33965), to implement section 1139(b) of the Northeast Rail Service Act of 1981 [NERSA], Subtitle E of Title XI of Pub. L. 97-35, 95 Stat. 643 (1981). In the preamble to the final rule on the transfer of Conrail commuter service operations, FRA and UMTA stated that "[t]his final rule is not intended to cover the distribution of any funds appropriated in the future" 47 FR 33966. The intent of that statement was to indicate that the final rule would only govern the distribution of funds originally authorized in section 1139(b) of NERSA to ensure the orderly transfer of Conrail rail commuter operations. Although section 1139(b) has authorized \$50 million in transition assistance, Congress has appropriated only \$45 million as of the date of issuance and publication of the final rule. See Department of Transportation and Related Agencies Appropriation Act, 1982, Pub. L. 97-102, 95 Stat. 1451. On September 10, 1982, Congress appropriated an additional \$5 million of fiscal year 1982 funds to carry out the provisions of section 1139(b). See Supplemental Appropriations Act, 1982, Pub. L. 97-257.

Since it has always been the intention of FRA and UMTA to distribute the \$50 million authorized by Congress in section 1139(b) in accordance with the August 5 final rule, and in order to avoid

unnecessary delay in the distribution of the \$5 million appropriated in the Supplemental Appropriations Act, 1982, FRA and UMTA announce by this document that the \$5 million appropriated in the Supplemental Appropriations Act, 1982, to facilitate the transfer of rail commuter services from Conrail to other operators will be distributed in accordance with the final rule published by FRA and UMTA on August 5, 1982 [47 FR 33965].

Dated: October 15, 1982.

Thomas A. Till,

Federal Railroad Deputy Administrator.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

[FR Doc. 82-26960 Filed 10-20-82; 8:45 am]

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BILLING CODE 4910-57-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[42nd Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Forty-Second Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96-254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., October 19, 1982, and continuing in effect until 11:59 p.m., January 31, 1983, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-1559.

SUPPLEMENTARY INFORMATION:

Decided: October 15, 1982.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and

Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by deleting the following authorities:

Item 6. *Chicago Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. From West Davenport, Iowa, through and including Muscatine, Iowa, and to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. At Washington, Iowa.

E. At Davenport, Iowa.

Item 8. *Little Rock and Western Railroad Company (LRWN):*

A. From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2).

B. From Little Rock, Arkansas (milepost 136.4) to the Missouri Pacific/RI interchange (milepost 130.6).

Item 27. *Fort Worth and Denver Railway Company (FWD):*

C. From Amarillo, Texas (milepost 760.6) to Groom, Texas (milepost 718.9).

Item 28. *Okarche Central Railway, Inc. (OCRI):*

A. From Enid, Oklahoma (milepost 345.27) to El Reno, Oklahoma (milepost 405.21).

B. From El Reno, Oklahoma (milepost 514.32) to Council, Oklahoma (milepost 496.40).

C. At El Reno, Oklahoma (milepost 402.73 to milepost 404.19).

Appendix A is further revised by adding Item 27, the authority for the Omaha, Lincoln and Beatrice Railway Company (OLB) to operate 1.67 miles at Lincoln, Nebraska, which has been leased from the Trustee and connects with their existing operation. This track is to be used as an operational extension of their line, and not to serve shippers. The Colorado and Eastern Railway Company (COE) has also requested authority at Lincoln, Nebraska over a four mile Rock Island segment which includes the 1.67 mile segment leased by the OLB. In the interest of allowing additional service to shippers at Lincoln, COE's request is granted as described in Appendix A, at Item 28. However, in consideration of OLB's lease with the Trustee and in the interest of operational clarity, OLB will have responsibility for coordinating and supervising operations and maintenance over its leased segment. (See Item 27,

Note). COE also requested authority to operate at Colorado Springs and Denver, Colorado, concurrently with the Cadillac and Lake City Railway Company (CLK), which is presently providing service to shippers at those locations. In considering COE's request for concurrent authority with CLK at Denver and Colorado Springs, Colorado, we have applied criteria previously utilized for competing applications. These criteria consist of: (1) Extent of current and/or proposed operations (2) Service to the public (3) Increased shipper market and competitive advantage (4) Shipper support and (5) Court approved lease arrangements with the Trustee.

The Board has reviewed COE's application consistent with the enumerated criteria and finds, that the extent to which COE proposes to operate is approximately 171.3 miles less than CLK's current operation; that the service to the public would not be greater in Denver and Colorado Springs, and the loss of those lucrative areas to CLK might require cessation of the balance of its operations in eastern Colorado and western Kansas, thus seriously diminishing service to the public; that nothing in COE's application suggests that shippers would enjoy a greater competitive advantage from their operation than from CLK's; that no shipper support has been offered to demonstrate a general shipper preference for COE over CLK, and that no information has been provided with respect to the existence currently of a Court approved lease. Based on the foregoing, the Board believes that no compelling reason presently exists for granting authority to COE beyond the segment at Lincoln, Nebraska, described in Appendix A, at Item 28.

It has been brought to the attention of the Board that, in certain cases, payment of compensation to the Trustee for the use of Rock Island property is in arrears. All interim operators are reminded that compensation, whether determined by lease, agreement, or the Rock Island Formula, is a requirement of this order and should remain current.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B to this Order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order