

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 OPSS 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 <sup>1</sup> , 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

<sup>1</sup> For offshore segments installed, updated, or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For segments installed, updated, 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; 195-13; Docket No. OPSS-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) \* \* \*
- (3) \* \* \*

(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 .....	23,000
Pacific cod .....	2,300
Others (combination) .....	10,200

§ 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,"