

has never received a finally effective permit to discharge at a "site," but which is not a "new discharger" or a "new source," the Regional Administrator finds that compliance with certain permit conditions may be necessary to avoid irreparable environmental harm during the administrative review, he may specify in the statement of basis or fact sheet that those conditions, even if contested, shall remain enforceable obligations of the discharger during administrative review unless otherwise modified by the Presiding Officer under paragraph (a)(2) of this section.

15. Section 124.119 is proposed to be amended by adding new paragraphs (c) and (d) as follows:

§ 124.119 Presiding Officer.

(c) Whenever a panel hearing will be held on an individual draft NPDES permit for a source which does not have an existing permit, the Presiding Officer, on motion by the source, may issue an order authorizing it to begin discharging if it complies with all conditions of the draft permit or such other conditions as may be imposed by the Presiding Officer in consultation with the panel. The motion shall be granted if no party opposes it, or if the source demonstrates that:

(i) It is likely to receive a permit to discharge at that site;

(ii) The environment will not be irreparably harmed if the source is allowed to begin discharging in compliance with the conditions of the Presiding Officer's order pending final agency action; and

(iii) Its discharge pending final agency action is in the public interest.

(d) If for any offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig which has never received a finally effective permit to discharge at a "site," but which is not a "new discharger" or "new source," the Regional Administrator finds that compliance with certain permit conditions may be necessary to avoid irreparable environmental harm during the nonadversary panel procedures, he may specify in the statement of basis or fact sheet that those conditions, even if contested, shall remain enforceable obligations of the discharger during administrative review unless otherwise modified by the Presiding Officer under paragraph (c) of this section.

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40 CFR Part 761

[OPTS 62017A; TSH FRL 2103-7]

**Polychlorinated Biphenyls (PCBs);
Manufacture, Processing, Distribution,
and Use in Closed and Controlled
Waste Manufacturing Processes**

Correction

In FR Doc. 82-15599 appearing on page 24976 in the issue of Tuesday, June 8, 1982, make the following correction.

On page 24976, in the first column, the "DATES" paragraph, the date for the informal hearing reading "August 6, 1982" should read "July 23, 1982" and the date for comments reading "July 23, 1982" should read "July 8, 1982".

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DEPARTMENT OF TRANSPORTATION

**Research and Special Programs
Administration**

49 CFR Part 192

[Docket No. PS-60; Notice 2]

**Transportation of Natural and Other
Gas by Pipeline; Hot Taps in Gas
Pipelines**

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: By Notice 1, MTB proposed that operators be required to determine the pressure in a pressurized pipeline before allowing the gas to flow through a newly made branch connection into another pipeline. The proposed rule was intended to preclude overpressurization hazards that can arise when two pipelines are erroneously connected. Although all commenters supported the safety objective to be attained, the proposed rule would be unnecessary in some cases, and MTB does not have enough historical accident data or other information about the potential for future accidents to clearly demonstrate that the expected benefits of the proposed rule would outweigh the costs of implementation. As a consequence, the proposed rulemaking action is hereby withdrawn.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, 202-426-2392.

SUPPLEMENTARY INFORMATION:

Background

The National Transportation Safety Board (NTSB) investigated and reported on two pipeline accidents caused by operators making branch connections to

pressurized pipelines other than the ones intended. The connecting procedure is called a "hot tap," and results in gas flowing to the connected piping without interrupting the operation of the tapped pipeline.

One accident occurred in Greenwich, Connecticut, on May 25, 1977, when a gas company crew tapped a 3-inch casing pipe, thinking it was a gas main. The crew did not have accurate maps or records to show the main's location. As a result, the tap severed a 2-inch gas line inside the casing and caused a massive gas escape that exploded, destroying 3 buildings and injuring 10 people.

The second accident happened May 17, 1978, at Mansfield, Ohio, during completion of the tie-in of a replacement for an 8-inch high pressure gas main. The gas company crew, mistakenly tapped an 8-inch low pressure gas main and connected it to the pressurized 8-inch high pressure main. The resulting overpressurization of the low-pressure system caused excessively high pilot flames on gas appliances that damaged 16 houses, 5 extensively. The mistaken connection occurred because the two mains were similar in appearance and crossed each other near where the connection was made. As in the Greenwich incident, gas company maps and records did not accurately show the correct location of the mains.

Following its investigation of the Mansfield incident, and in light of the Greenwich occurrence, NTSB made the following recommendation for rulemaking:

Revise 49 CFR Part 192 to require that gas system operators verify through pressure monitoring or other means the identity of all pipelines before performing hot taps. (P-78-51)

Proposed Rules

In the belief that operators should take steps, apart from reliance on maps and records, to reduce the chance of performing hot taps on the wrong pipelines, MTB published a notice of proposed rulemaking (NPRM) (44 FR 68491, November 29, 1979). The NPRM requested comments on a two-part proposal to revise an existing regulation (§ 192.627), which requires that hot taps be made "by a crew qualified to make hot taps."

The first part of the proposal would have redesignated the present rule as paragraph (a) of § 192.627, and modified the language to require that hot taps be made "by a person who has demonstrated competency in the application and use of the tapping equipment." This proposed amendment was to clarify the meaning of the phrase

"qualified to make hot taps," expecting to eliminate errors of incorrect piping identification that could, in part, be due to lack of training.

In the second part of the NPRM, MTB proposed that a new paragraph (b) be added to § 192.627 to require that "where two or more pressurized pipelines are being connected, the pressure in each pipeline * * * must be determined by a pressure gauge prior to allowing gas to flow between the pipelines." This proposal was based on NTSB's Recommendation P-76-51 quoted above.

Qualification of Personnel

Of the 40 persons who submitted comments on the NPRM, there were 29 that expressed an interest in the proposed § 192.627(a). Eleven of these supported the proposal, generally indicating it was believed to be in the interest of safety. However, the remainder either opposed the rule change outright or offered modifications.

Those who preferred that the existing rule not be amended stated that it is more indicative of actual hot tapping practice, which usually involves a "crew" (this point was especially made by interstate transmission operators). Many commenters interpreted the proposed requirement for a person to have "demonstrated competency" to necessitate training and testing or a similar certification program. This latter point was also made by the Technical Pipeline Safety Standards Committee (TPSSC) who reviewed the proposed rule change as required by Section 4 of the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1673).

After considering these comments, MTB believes that changing the current rule as proposed would not provide a better standard for the qualifications of persons making hot taps. While the present rule is imprecise in this regard, the proposed rule that persons must have "demonstrated competency" arguably is just as imprecise, and would not require any more than is normally done by prudent operators in complying with the present rule. Also, it does not appear that merely rewarding the present rule would have the desired effect of helping to preclude problems of human error with respect to misconnections. MTB, therefore, is withdrawing the proposal to amend § 192.627.

Identification of Pipelines

While all of the commenters supported the safety objective of the proposed § 192.627(b), there were many who, for different reasons, questioned the need for a new regulation. Among

this group were those who said that the present rule (§ 192.627) provides sufficient safeguards if it is conscientiously observed, and that one or two accidents caused by improper procedures do not justify a rule change.

Interstate transmission operators said their industry already follows stringent operating procedures that avoid confusion in linking pipelines of incongruous pressures, so that the proposed rule would provide no additional safety benefit. To support this position, these operators pointed out that due to the high pressures involved, experienced personnel and sophisticated pressure indicating and recording equipment must be used in making hot taps. They added that most hot taps on transmission lines are made in relatively unpopulated areas (Classes 1 and 2), and pipeline identity is not difficult since in these areas, rights-of-way normally contain only the pipelines of the operator involved.

A third set of comments questioned the need to identify pipelines by pressure indicators in systems that have only one pressure. This situation occurs mostly in low-pressure, private or municipally operated systems, but it is also present in high-pressure or low-pressure districts of large distribution systems. The operators who submitted these comments said that maps and records suffice to identify pipelines in single-pressure areas, and that pressure gauges are needed only when some uncertainty arises in identifying a pipeline.

MTB has paid close attention to these comments because of its desire to eliminate or not adopt unnecessary regulations. Certainly, if a safety problem does not exist or a potential problem is small and remote, there is no need for a new generally applicable regulation. Moreover, the President's Executive Order on Federal regulation, E.O. 12291, requires, among other things, that new regulations not be established unless there is "adequate information concerning the need for and consequences of" the regulation, and unless "the potential benefits to society from the regulation outweigh the potential costs to society."

The comments indicate that overpressurization by tapping the wrong pipeline is not likely to happen on transmission lines. Commenters representing the interstate transmission industry pointed out, correctly we believe, that the problem of erroneous connections is more apt to occur on pipeline systems with a range of pressures buried in populated areas crowded with utility piping. In contrast, the bulk of hot taps on transmission

lines are done in relatively unpopulated areas on rights-of-way dedicated to transmission piping. In addition, because of the high pressures involved, hot taps on transmission lines are usually performed with special techniques and procedures that are not used on distribution lines, and the techniques normally incorporate pressure measuring devices. In consideration of these factors, MTB believes that the problem of misconnections involving transmission lines is not an actual or potential threat to public safety, and rulemaking with respect to these lines is unnecessary.

Although there were no comments with respect to gathering lines in populated areas that are subject to Part 192, they too are normally located in dedicated rights-of-way, reducing the likelihood of misconnections inasmuch as these gathering lines are subject to the same safety standards in Part 192 as transmission lines, further rulemaking with respect to these lines for purposes of precluding misconnections does not appear necessary.

Likewise, MTB is persuaded that there is no need to test the pressure of a pipeline as an added check on its identity if that pipeline is part of a single-pressure distribution system where all the mains have the same design pressure. These systems often occur in small towns, where there is only one pressure regulating station downstream from a transmission line. While confusion about a pipeline's identity could lead in these systems to an incorrect connection, there would be no chance of overpressurization like in the Mansfield case. Also, even if prompt pressure measurement at the moment of hot tapping were to preclude accidents like that at Greenwich, Connecticut, the uncertainty of this eventuality reduces the potential benefits below that needed to offset costs. Therefore, rulemaking does not appear necessary with respect to single-pressure distribution systems characterized by just one pressure regulating station downstream from a transmission line.

With the elimination of transmission lines, gathering lines, and single-pressure distribution systems from consideration for rulemaking, there remains to be considered only single-pressure districts of large multi-pressure distribution systems with staged pressure regulation. In the case of a single-pressure district, a higher pressure main may be near or pass through the district as in the Mansfield case, so that the threat of misconnection and overpressurization is not totally absent. Even commenters who opposed

rulemaking for single-pressure districts admitted that situations could occur where a pipeline's identity would be uncertain. Yet, upon further examination of the record, MTB finds little more than conjecture to show that the proposed rule would, if implemented in these single-pressure districts, result in fewer accidents due to misconnections, and thus net dollar benefits to society as required by E.O. 12291. Only 2 accidents are directly attributable to misconnections, and of these, it is doubtful the Greenwich accident would

have been prevented had the proposed rule on pressure monitoring been in effect. A sounder historical statistical base is necessary to show both a need for rulemaking, in terms of the prevalence of the problem, and that the projected costs of implementation (estimated at approximately \$0.5 million a year) would be less than the projected payoff in terms of accidents prevented. Hence, in accordance with E.O. 12291, MTB is withdrawing the NPRM from further consideration. In the future, if adequate statistical data develop

through the leak reporting under 49 CFR Part 191 or other sources to clearly demonstrate the need for and benefits from additional regulations to preclude misconnections, MTB will again propose rulemaking action.

(49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53, App. A to Part 1 and App. A to Part 106)

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