

Shipping Act of 1984 and the regulations of the Commission set forth in 46 CFR Part 582.

(b) When the common carrier's tariff is a conference or rate agreement tariff, the common carrier shall ensure that the conference or rate agreement publishes the common carrier's tariff provision set forth in paragraph (a) of this section in the tariff.

(c) The anti-rebate tariff provision, as set forth in paragraph (a) of this section, shall be effective upon filing.

§ 582.4 Reporting requirements.

(a) Every common carrier required by this part to file a written certification as provided for in § 582.2 shall file such certification on or before May 15 of each year.

(b) Every person other than a common carrier who is ordered by the Commission to file a written certification under § 582.2 shall file the initial certification on the date designated by the Commission and, thereafter, as the Commission may direct.

§ 582.91 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

This section displays the control numbers assigned to information collection requirements of the Commission in this part by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. The Commission intends that this section comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget (OMB) for each agency information collection requirement.

Section	Current OMB control No.
582.2 through 582.4	3072-0028

**Appendix A to 46 CFR Part 582—
Certification of Company Policies and Efforts to Combat Rebating in the Foreign Commerce of the United States**

(Name of Filing Company)
Certification of Company Policies and Efforts to Combat Rebating in the Foreign Commerce of the United States

Pursuant to the requirements of section 15(b) of the Shipping Act of 1984, and Federal Maritime Commission regulations promulgated pursuant thereto, (46 CFR Part 582), I, _____, Chief Executive Officer of (name of company), state under oath that:

1. It is the policy of (name of company) that the payment, solicitation, or receipt of any

rebate which is unlawful under the provisions of the Shipping Act of 1984 is prohibited.

2. On or before _____, 19____, such company policy was promulgated to each owner, officer, employee and agent of (name of company) who is directly or indirectly connected with commercial ocean shipping, import or export sales or purchasing.

3. [Set forth the details of measures instituted by the filing company otherwise to eliminate or prevent the payment of illegal rebates in the foreign commerce of the United States].

4. (Name of company) affirms it will fully cooperate with the Federal Maritime Commission in any investigation of illegal rebating and with the Commission's efforts to end such illegal practices.

Chief Executive Officer
Subscribed and sworn to before me this day of _____ 19____.

Notary Public
By the Commission,
Francis C. Hurney,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Amdt. 195-32; Docket No. PS-79]

Transportation of Hazardous Liquids by Pipeline, Qualification of Welders

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: This amendment incorporates by reference Section IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) into Part 195 for qualification of welders. Welder qualification is presently limited to Section 3 of API Standard 1104 under Part 195. Allowing the use of the ASME Code for welder qualification when necessary and appropriate to do so will bring the requirements for hazardous liquid pipelines into line with 49 CFR Part 192, the Federal safety standards for gas pipelines.

EFFECTIVE DATE: October 22, 1984.

FOR FURTHER INFORMATION CONTACT: William A. Gloe, (202) 426-2082, regarding the content of this amendment, or the Dockets Branch, (202) 426-3148, regarding copies of the amendment or other information in the docket.

**SUPPLEMENTARY INFORMATION:
Background**

On January 24, 1983, Mr. T.M. Stratton of the ARCO Oil and Gas Company, Aurora, Colorado, petitioned for a rule change to § 195.222, Welders: Testing, to allow the qualification of welders under Section IX of the ASME Code as an alternative to Section 3 of API 1104. API 1104 (the 15th edition) is the applicable Standard for Welding Pipelines and Related Facilities incorporated by reference in 49 CFR Part 195 for welder qualification (Section 3) and for standards of acceptability of welds (Section 6). API 1104 is also the applicable standard for pipeline welding for gas pipelines, Sections 3 and 6 similarly incorporated by reference into Part 192. In addition, Part 192 incorporates Section 2 for qualification of welding procedures. The other basic difference in welding requirements between the two Federal standards is that Part 192 incorporates by reference the ASME Code (1977 edition) for qualification of welding procedures and for welder qualification. The reason for allowing the use of the ASME Code under Part 192 and not under Part 195 is simply that the two Federal standards were based on industry consensus standards in effect at the time of issuance and the two industry standards also differed at that time. The 1967 edition of ANSI/ASME B31.4 (the USAS B31.4) was used as a basis for Part 195, and the 1968 edition of ANSI/ASME B31.8 (the USAS B31.8) was used as a basis for Part 192. ANSI/ASME B31.4, the industry standard for Liquid Petroleum Transportation Piping Systems, has since been revised to incorporate the ASME Code for welding procedure and welder qualification as an alternative to API 1104, using the ASME Code when the provisions are appropriate for the welding to be done.

Notice of Proposed Rulemaking (NPRM)

An NPRM published on May 10, 1984 (49 FR 19875), proposed to incorporate the ASME Code into Part 195 for welder qualification, based on the ARCO Oil and Gas Company petition. As justification in part, ARCO asserted that Part 195 should allow the use of the same provisions for welder testing that apply under ANSI/ASME B31.4, the industry standard for petroleum piping systems. The currently referenced edition of ANSI/ASME B31.4 (1977) allows welder testing under the ASME Code as well as under API 1104. The notice stated that API 1104 and the ASME Code have applied for gas pipelines since issuance of the Department of Transportation (DOT)

regulations in 1970, and there has been no problem, either in compliance, enforcement, or the appropriate use of either standard.

Discussion of Comments

Seven letter comments were received in response to the notice, one from the American Petroleum Institute (API), one from the Interstate Natural Gas Association of America, and five from oil and gas transportation operators. All commented favorably on the proposal to incorporate the ASME Code for welder qualification. One commenter, however, Mobil Oil Exploration & Producing Southeast, Inc., objected to listing the 1977 edition in the DOT regulations because the ASME Code has been revised, and suggested listing the "latest edition" only, without specifying the date of that edition. Though the 1983 edition of the ASME Code (with a 1984 supplement) is now the latest edition, incorporation of an edition later than 1977 was not discussed in the NPRM or considered by the Technical Hazardous Liquids Pipeline Safety Standards Committee (THLPSSC). Therefore, without further notice of review before the THLPSSC, a later edition may not be incorporated in the final rule. Also, MTB has no firm indication at this time that incorporating the 1977 edition imposes an actual burden on any operator with regard to qualification of welders. Moreover, six out of seven of the commenters to the notice did not object to listing the 1977 edition and the API made specific reference to the 1977 edition in their comment letter. For these reasons and for consistency with Part 192 for gas pipelines, the final rule incorporates the 1977 edition of the ASME Code. The final rule, however, recognizes earlier editions that could not have been incorporated into Part 195 by the language, "* * * a welder qualified under an earlier edition than listed in § 195.3 may weld but may not requalify under that earlier edition."

Advisory Committee Review

Section 204(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2003(b)) requires that the proposed amendment to § 195.222 be submitted for consideration by a 15-member advisory committee composed of persons knowledgeable about the transportation of hazardous liquids by pipeline. The committee considered the substance of the proposed amendment, as set forth in a Regulatory Project at a meeting in Washington, D.C., on December 7, 1983. In its report, dated March 7, 1984 (a copy of which is in the docket), the committee states:

This item for discussion proposes to add Section IX of the ASME Boiler Code (to) Part 195 for welder qualification, bringing Part 195 up to date with other standards and providing flexibility to the operator, who can determine where the ASME code is appropriate and where API 1104 is appropriate. It is agreed that the change had no adverse impact on safety standards, provides flexibility, giving judgement to the operator, and brings regulation into line with practice in the field.

The language used in the Regulatory Project for the proposed § 195.222 differed from the final rule in containing the phrase "whichever is appropriate for the type of welding to be performed" to differentiate between qualification under API 1104 or the ASME Code. Review of that phrase during the committee meeting, however, generally shows that the wording is not necessary and that the decision of which standard to use is left up to the operator. For this reason, and because the scope of each standard clearly defines the appropriate use, the phrase is omitted from the final rule.

Classification

This final rule is considered to be nonmajor under Executive Order 12291 and is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. The rule merely modifies Part 195 requirements on welder qualification to be consistent with Part 192 and the commonly used industry codes.

Since the impact of this final rule is expected to be minimal, the agency certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 195

Ammonia, Petroleum, Pipeline safety, Welders: Testing.

PART 195—[AMENDED]

On the basis of the foregoing, MTB amends Title 49 of the Code of Federal Regulations, Part 195, as follows:

1. By revising § 195.222 to read:

§ 195.222 Welders: Testing.

Each welder must be qualified in accordance with section 3 of API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code, except that a welder qualified under an earlier edition than listed in § 195.3 may weld but may not requalify under that earlier edition.

2. Section 195.3 is amended by revising paragraph (c)(2) to incorporate

Section IX of the ASME Boiler and Pressure Vessel Code as follows:

§ 195.3 Matter incorporated by reference.

* * * * *

(c) * * *

(2) American Society of Mechanical Engineers:

(i) ASME Boiler and Pressure Vessel Code, Section VIII, "Pressure Vessels Division 1" (1977).

(ii) ASME Boiler and Pressure Vessel Code, Section IX, "Welding Qualifications" (1977).

* * * * *

(49 U.S.C. 2002; 49 CFR 1.53, and Appendix A of Part 1)

Issued in Washington, D.C., on September 14, 1984.

L.D. Santman,

Director, Materials Transportation Bureau.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 31230-254]

Tanner Crab off Alaska; Notice of Season Opening

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of season opening.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the desired harvest level of *Chionoecetes opilio* Tanner crab in the Northern Subdistrict of the Bering Sea District in Registration Area J has not yet been achieved and that additional fishing time is necessary if *C. opilio* stocks are to be fully utilized. The Secretary of Commerce therefore issues this notice opening the fishing season for *C. opilio* in the Northern Subdistrict by vessels of the United States until midnight December 31, 1984. This action is intended as an appropriate management measure to achieve the optimum yield.

DATE: This notice is effective 12:00 noon, Alaska Daylight Time (ADT) September 15, 1984. It was filed for public inspection with the Office of the Federal Register on September 17, 1984. Public comments on this notice of season opening are invited until October 1, 1984.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries