

See *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11539, published February 9, 1981.

6. For further information concerning this proceeding, contact Montrose H. Tyree; Mass Media Bureau, (202) 534-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 85-28307 Filed 11-26-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. PS-86; Notice 1]

Transportation of Gas or Hazardous Liquids by Pipeline; Updating Steel Line Pipe Specifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA proposes to update the existing incorporation by reference of the American Petroleum Institute (API) specifications for line pipe, API 5L, 5LS, and 5LX, by adopting the 1985 edition of API Specification 5L for gas and hazardous liquid pipelines. API 5L, 5LS, and 5LX have been consolidated into one specification by the API. Editions prior to the 1985 edition are out of print.

DATE: Interested persons are invited to submit written comments on this proposal. All comments must be filed before January 27, 1986, although late filed comments will be considered as far as is practicable. Persons should submit as a part of their written comments all material that is considered relevant to any statement of fact or argument made.

ADDRESS: Comments should be sent to the Dockets Branch, Room 8426, RSPA, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and identify the docket and notice numbers. All comments and other docket material are available in Room 8426 for inspection and copying between the hours of 8:30 a.m. and 5:00 p.m. each working day.

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

SUPPLEMENTARY INFORMATION:

Parts 192 and 195 incorporate by reference the 1980 editions of API Specifications 5L (Line Pipe), 5LS (Spiral-Weld Line Pipe), and 5LX (High-Test Line Pipe). In Part 192 each specification is included among "listed specifications" one of which must be followed in pipe manufacture to qualify steel pipe for use in gas pipelines. In Part 195, the specifications serve to denote allowable design factors for steel pipe. Under both parts the specifications are used for determining yield strength when specified minimum yield strength is unknown.

These API specifications have been the most predominantly used specifications for steel line pipe in the industry and have been maintained separately to identify different grades and types of pipe as they were originally developed. In 1983, the three specifications were consolidated into one by the API, using the identification, API Specification 5L, and the title, "API Specification for Line Pipe." All grades and types of steel line pipe are now combined in the one specification. Since 1983, API 5L has been revised to incorporate editorial changes in the 1984 edition, and recently in the 1985 edition, to provide requirements for a higher strength X80 grade (80,000 psi specified minimum yield strength).

So that the Federal hazardous liquid pipeline safety standards will be in accord with the latest developments in materials and pipeline technology, RSPA is proposing to incorporate by reference into Parts 192 and 195 the 1985 edition of API 5L.

Besides the inclusion of the X80 grade, other changes in the 1985 edition are (1) an increase in the maximum yield/tensile ratio from .90 for X70 or .93 for X80, and (2) allowing supplementary fracture toughness requirements to replace the yield/tensile ratio by agreement between the purchaser and the manufacturer for any grade of pipe. Interested persons having experience and background qualifications in this area are invited to comment on the safety impact of these changes if any is perceived. RSPA is particularly interested in receiving comments on the .93 yield/tensile ratio for X80 steel line pipe because it represents a reduction, although small, of the margin between the maximum operating stress level (72 percent of the specified minimum yield strength) and the ultimate tensile strength.

If comments or other information convincingly demonstrate that the yield/tensile ratio should be limited to .90 for cold expanded steel line pipe, RSPA will consider taking such action in the final rule. Before taking such action, RSPA will seek advice from the Technical Pipeline Safety Standards Committee for gas pipelines. This proposal was reviewed by the Technical Hazardous Liquid Pipeline Safety Standards Committee in a meeting in Washington, D.C., on September 18, 1985, and found to be technically feasible, reasonable, and practical, with no limitation on yield/tensile ratio other than that provided by the API specification.

Copies of the 1985 edition of API Specification 5L are available from the Director, American Petroleum Institute,

Production Department, 211 North Ervay, Suite 1700, Dallas, Texas 75201.

Under Part 195, the use of API specifications is not mandatory for manufacture of line pipe. Instead, the requirements governing the use of new or used steel pipe are stated in performance language by § 195.112. Revision of Part 195 is proposed because the 1985 editions of the API Specifications 5L, 5LS, and 5LX are listed in § 195.3 and incorporated by reference in § 195.106 to identify the design factor to use for steel pipe that is manufactured to one of the specifications. The reference to API Standard 5L would be changed to "API Specification 5L" and the existing references to 5LS and 5LX would be deleted.

Petitions for adoption of the 1984 edition of API 5L had previously been received from the Bethlehem Steel Corporation (Petition No. P-26), and from the American Society of Mechanical Engineers (Petition No. P-28) as part of a petition for general update of specifications incorporated by reference. The 1985 edition is believed to be equally acceptable to the petitioners. RSPA had considered adopting the 1984 edition as petitioned, and had made inquiries of the API to determine availability of that edition. Federal Register rules for incorporation of documents by reference require that the documents meet the requirements of 1 CFR Part 51, which states in § 51.7(a)(4) that the material must be reasonably available to the persons affected by it. The inquiries have established that the 1984 edition is out of print and not easily available other than by copying or by prior possession, thus not eligible for incorporation by reference.

Classification

This proposal is considered to be nonmajor under Executive Order 12291 and nonsignificant under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is so minimal that further evaluation is unnecessary. The change proposed is merely an updating of specifications incorporated by reference and even if the yield/tensile ratio of .90 is adopted, nothing more than a minor impact is foreseen due to the adaptability of manufacturing techniques.

Regulatory Flexibility Act

The agency certifies that this proposal will not have a significant economic impact on a substantial number of small entities. By updating API line pipe specifications for steel line pipe and

retaining provisions of the regulations permitting the use of previously listed editions, steel pipe procurement is optimized for all operators, including those who may be classed as small entities.

List of Subjects in 49 CFR Parts 192 and 195

Pipeline safety, Incorporation by reference, Line pipe.

In view of the foregoing, RSPA proposes to amend 49 CFR Parts 192 and 195 as follows:

PART 192—[AMENDED]

1. The authority citation for Part 192 continues to read as follows:

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

2. By revising § 192.55(e) to read:

§ 192.55 Steel pipe.

* * * * *

(e) New steel pipe that has been cold expanded must comply with the mandatory provisions of API Specification 5L.

§ 192.113 [Amended]

3. By amending § 192.113 to remove reference to API 5LX and API 5LS and related entries from the table of longitudinal joint factors.

Appendix A [Amended]

4. By amending Appendix A to Part 192 to remove and reserve subdivisions II.A.(5) and II.A.(6) and by amending II.A.(4) by changing "(1980)" to "(1985)".

Appendix B [Amended]

5. By amending subdivision I of Appendix B to Part 192 to remove "API 5LS-Steel pipe (1980)" and "API 5LX-Steel pipe (1980)" from the listed pipe specifications, and by removing the date "(1980)" following "API 5L-Steel pipe" and adding in its place "(1985)."

6. By revising introductory text of subdivision II.D. of Appendix B to Part 192 to read:

Appendix B—Qualification of Pipe

* * * * *

II. * * *

D. *Tensile Properties.* If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000 p.s.i. or less, or the tensile properties may be established by performing tensile tests as set forth in API Specification 5L. All test specimens shall be selected at random and the following number of tests must be performed:

* * * * *

PART 195—[AMENDED]

7. The authority citation for Part 195 continues to read as follows:

Authority: 49 U.S.C. 2002; 49 CFR 1.53 and Appendix A of Part 1.

§ 195.3 [Amended]

8. By amending § 195.3 to remove paragraphs (c)(1)(iv) and (c)(1)(v) and by amending paragraph (c)(1)(iii) by changing "(1980)" to "(1985)."

9. By revising the introduction text of § 195.106(b) to read:

§ 195.106 Internal Design pressure.

(b) The yield strength to be used in determining internal design pressure under paragraph (a) of this section is the specified minimum yield strength. If the specified minimum yield strength is not known, the yield strength is determined by performing all of the tensile tests of API Specification 5L on randomly selected test specimens with the following number of tests:

10. By amending § 195.106(e) to remove reference to API 5LX and API 5LS and related entries from the table of seam joint factors.

Issued in Washington, DC, on November 22, 1985 under authority delegated by 49 CFR Part 106, Appendix A.

Robert L. Paullin,
Director, Office of Pipeline Safety.

[FR Doc. 85-28286 Filed 11-26-85; 8:45 am]
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49 CFR Part 195

[Docket No. PS-85, Notice No. 1]

Transportation of Hazardous Liquids; Gathering Lines in Rural Areas

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal hazardous liquid pipeline safety standards do not apply to gathering lines in rural areas. The lack of specificity in this exception became apparent when these standards were proposed to be extended to intrastate pipelines, which include a large number of rural gathering lines. This notice proposes new definitions for the terms "production facility", "gathering line" and "rural area" to clearly identify the gathering lines that are not subject to the standards.

DATE: Interested persons are invited to submit written comments on this proposal by January 27, 1986. Late filed comments will be considered as far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Dockets Branch, Research and Special Programs Administration, Department of Transportation, 400 7th Street SW., Washington, DC 20590. All comments and other docket material are available in Room 8428 for inspection and copying between the hours of 8:30 a.m. and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow, (202) 426-2392, regarding the content of this proposal, or the Dockets Branch (202) 426-3148, regarding copies of this proposal or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

Gathering lines in rural locations are expected from regulation by the Hazardous Liquid Pipeline Safety Act of 1979 (HLPESA) (49 U.S.C. 2001 *et seq.*), the statute under which Part 195 is issued. In Part 195 the exception for rural gathering lines is provided by § 195.1(b)(4), which states that Part 195 does not apply to "[t]ransportation of a hazardous liquid in those parts of an onshore pipeline system that are located in rural areas between a production facility and an operator trunkline reception point."

In a notice of proposed rulemaking published March 26, 1984 (49 FR 11228, Docket No. PS-80) concerning the extension of Part 195 to intrastate hazardous liquid pipelines, RSPA discussed the need to make § 195.1(b)(4) easier to apply. The problem of distinguishing a gathering line from a trunkline and rural from nonrural was recognized. Comments on this issue by the public and by members of the Technical Hazardous Liquid Pipeline Safety Standards Committee led in the final rule (Amendment 195-33; 50 FR 15895, April 23, 1985) to inclusion of flow lines as part of onshore production facilities, which are also exempt from Part 195 and the HLPESA. However, because of the diversity of views expressed by commenters and the Committee, it became clear that further rulemaking would be needed to clarify § 195.1(b)(4).

Thirty-four persons commented on the gathering line issue raised by the March 26, 1984 notice: The Railroad Commission of Texas, the Iowa State Commerce Commission, the American Petroleum Institute (API), the Pennsylvania Oil and Gas Association, the Rocky Mountain Oil and Gas Association, the Texas Mid-Continent Oil and Gas Association, the North Texas Oil and Gas Association, the

West Central Texas Oil and Gas Association, and 26 pipeline operators. The most salient comments concerning definitions for gathering line and rural or nonrural areas were as follows:

Gathering Line

The Railroad Commission of Texas (RRC) and the West Central Texas Oil and Gas Association proposed definitions of gathering line, production facility, and trunkline reception point as follows:

"Gathering line" means a pipeline that transport a hazardous liquid, as defined by the Pipeline Safety Act of 1979, from a current production facility to a trunkline reception point, a storage facility, or a terminal. "Production facility" means any equipment used by a producer in the production, extraction, recovery, lifting, stabilization, separation, treating, storage, or measurement of a hazardous liquid subject to this part. Wellhead assemblies, along with flow lines from them to a lease storage facility (or to the next inline production facility if there is no lease storage), are part of production facilities and are not considered to be gathering lines. "Trunkline reception point" means the point at which liquids subject to this part are received either (1) directly from a production facility, (2) from a gathering line or lines, or (3) by any other means, and at which they are injected into a cross-country common carrier or private trunkline for transportation to a more distant location. Characteristics of a trunkline may include, but are not limited to, larger diameter pipe, higher operating pressure, higher stress pipe, pump station(s) and greater pipe strength.

The API suggested the following definitions:

"Production facility" means any equipment used by a producer in the production, extraction, recovery, lifting, stabilization, separation, treating, storage, or measurement of a hazardous liquid including flow lines from wellhead assemblies to the next in-line production facility. "Production facilities" also include equipment used in sweetening and processing natural gas, pressure maintenance and secondary or tertiary recovery operations.

"Trunkline reception point" means the point or facility where hazardous liquids subject to this Part are received either from:

- (1) a gathering line system
- (2) a production, refining, or manufacturing facility, or
- (3) any other source for the continued transportation in a cross-country pipeline system.

"Gathering line" means a pipeline system used to collect hazardous liquids from production facilities and transport them to a trunkline reception point.

The Pennsylvania Oil and Gas Association focused on treatment and commingling to define a gathering line as "those pipelines that transport the oil from the point where the last treatment under the control of the producer occurs,