

§ 190.223 Maximum penalties.

(a) Any person who is determined to have violated a provision of the NGPSA or the HLPESA or any regulation or order issued under either of those Acts, is subject to a civil penalty not to exceed \$10,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed \$500,000 for any related series of violations.

3. Section 190.229 is amended by redesignating paragraph (d) as (e) and adding a new paragraph (d) to read as follows:

§ 190.229 Criminal penalties generally.

(d) Any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by the NGPSA, the HLPESA, or the HMTA, or any regulation or order issued thereunder shall, upon conviction, be subject, for each offense, to a fine of not more than \$5,000, imprisonment for a term not to exceed 1 year, or both.

PART 191—[AMENDED]

4. The authority citation for Part 191 continues to read as follows:

Authority: 49 App. U.S.C. 1681(b) and 1608(b); §§ 191.23 and 191.25 also issued under 49 App. U.S.C. 1672(a); and 49 CFR 1.53.

5. Section 191.25(a) is amended by adding the following as the last sentence: "To file a report by telefacsimile (fax), dial (202) 472-1666."

6. In § 191.25(b), paragraphs (b) (6) and (7) are revised to read as follows:

§ 191.25 Filing safety-related condition reports.

(b) Location of condition, with reference to the State (and town, city, or county) or offshore site, and as appropriate, nearest street address, offshore platform, survey station number, milepost, landmark, or name of pipeline.

(7) Description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored.

PART 195—[AMENDED]

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

Authority: 49 App. U.S.C. 2002; and 49 CFR 1.53.

8. Section 195.56(a) is amended by adding the following as the last sentence: "To file a report by telefacsimile (fax), dial (202) 472-1666."

9. In § 195.56(b), paragraphs (b) (6) and (7) are revised to read as follows:

§ 195.56 Filing safety-related condition reports.

(6) Location of condition, with reference to the State (and town, city, or county) or offshore site, and as appropriate nearest street address, offshore platform, survey station number, milepost, landmark, or name of pipeline.

(7) Description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored.

Issued in Washington, DC on July 28, 1989.

Travis P. Dungan,
Administrator, Research and Special Programs Administration.

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49 CFR Parts 192 and 195

[Docket No. PS-110; Amdt. 192-65 and 195-43; Docket No. PS-95; Amdt. 192-62 Correction]

RIN 2137-AB 69 and 2137-AB 24

Pipeline Safety; Steel Pipe

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Final rule and correction.

SUMMARY: This document updates to the 1988 edition the existing incorporation by reference in the gas and hazardous liquid pipeline safety standards of the American Petroleum Institute (API) Specification 5L, "Specification for Line Pipe." The purpose of this updating is to permit operators to use steel pipe made in accordance with API's latest technical requirements. This document also corrects an amendment to section II of Appendix A to Part 192 included in a final rule document published February 6, 1989 (Amdt. 192-62; 54 FR 5625), by removing certain CFR units that were reserved unintentionally.

EFFECTIVE DATE: This final rule takes effect September 6, 1989. The correction to Appendix A to Part 192 is effective August 7, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Albert C. Garnett, (202) 366-2036, regarding the content of this document;

or the Dockets Unit, (202) 366-5046, for copies of this document or other material in the docket.

SUPPLEMENTARY INFORMATION: API Specification 5L, "Specification for Line Pipe," is the principal specification used by pipeline operators for the procurement of high strength steel pipe used in gas and hazardous liquid pipelines in the United States. RSPA's safety standards for pipelines transporting gas or hazardous liquids (49 CFR parts 192 and 195) incorporate by reference certain requirements of the 1985 edition of API Specification 5L. Under § 192.55 (a) and (b), steel pipe qualifies for use in gas pipelines if it was manufactured in accordance with a "listed specification," which includes API 5L (see section I of Appendix B to part 192). Additionally, for gas pipelines, § 192.55(e) requires that new steel pipe that has been cold expanded must comply with the mandatory provisions of API 5L. For hazardous liquid pipelines, API 5L is referenced in the table in § 195.106(e), which denotes allowable seam joint factors for the internal design pressure formula for steel pipe. For both gas and hazardous liquid pipelines, the tensile tests of API 5L are prescribed for determining yield strength required in the internal design pressure formula when specified minimum yield strength is unknown (§§ 192.107(b) and 195.106(b)). The listings of referenced documents in Appendixes A and B to Part 192 and in § 195.3 indicate that the 1985 edition is the currently applicable edition of API 5L.

The Bethlehem Steel Corporation petitioned RSPA to adopt the 1988 edition of API 5L (Petition No. P-33), and then met with RSPA staff on April 19, 1989, to provide additional information concerning the petition. A summary of the meeting is filed in the docket with the petition.

RSPA has reviewed the 1988 edition of API 5L and found it to be satisfactory to achieve the purposes for which API 5L is incorporated by reference in parts 192 and 195. This review disclosed differences between the 1988 and 1985 editions, the more significant of which are discussed below. RSPA believes these differences would not add significantly to the burden of compliance if the 1988 edition were incorporated by reference instead of the 1985 edition. Also, incorporation by reference of the 1988 edition will contribute to pipeline safety by permitting operators to use steel pipe manufactured according to API's most recent technical requirements. Moreover, because pipe manufacturers

commonly use the most recently published edition of API 5L, updating references to the 1988 edition should eliminate any difficulty operators may now have in procuring steel pipe that meets Parts 192 or 195 requirements. Accordingly, by this amendment, RSPA is updating to the 1988 edition the references to API 5L in parts 192 and 195.

Significant Differences Between the 1988 and 1985 Editions That Affect References in Parts 192 and 195

Section 3, Chemical Properties and Tests. A change in this section permits columbium, titanium, and vanadium to be used in Grade B pipe.

Section 4, Mechanical Properties and Tests. This section was changed by deletion of the higher minimum-ultimate-tensile-strength values for pipe in grades X52—X65 that is 20-inch outside diameter and larger, with wall thickness 0.375 inch and less. Now only a single minimum-ultimate-strength value is prescribed for each of these grades of pipe. The change permits pipe manufacturers to optimize the composition of steel to improve fracture toughness and weldability across the full range of line pipe sizes and wall thicknesses.

Section 5, Hydrostatic Tests. Supplementary Requirement 14 is referenced in this section and added to Appendix E. It is intended to prevent distortion when hydrostatically testing pipe at pressures equivalent to stresses in excess of 90 percent of specified minimum yield strength.

Section 10, Workmanship, Visual Inspection, and Repair of Defects. This section was reorganized without significant change of intent.

Appendix B, Repair-Welding Procedure and Welder Performance Tests. A change eliminates reference to conditions for weld repairs made at temperatures below 50 °F. The same conditions now apply to all weld repairs.

Appendix E, Supplementary Requirements. The contents of former Supplementary Requirements 5 and 8 have been combined into Supplementary Requirement 5, Fracture Toughness Testing (Charpy). The principal changes follow:

- The test specimen size for determining absorbed energy and fracture appearance was standardized, so the same specimen may be used for both determinations
- The range of pipe diameters subject to charpy impact testing was extended to a minimum of 4½-inch outside diameter

—When it is not possible to obtain full size specimens, sub-size specimens may be used

—The specified test temperature is changed to 50 °F or lower

—The description of the frequency of testing is modified and the frequency of tests for small lots is clarified.

Impact

RSPA believes that incorporation by reference of the 1988 edition of API 5L will contribute to pipeline safety by permitting the use of API's latest technical requirements for the manufacture of steel pipe. Because updating existing references to API 5L to the 1988 edition will not add significantly to the burden of compliance with parts 192 and 195, and may relieve the difficulty of procuring pipe under the outmoded 1985 edition, RSPA believes that prior notice and an opportunity for public comment are unnecessary. Therefore, in accordance with 5 U.S.C. 553, this amendment is final.

Also, the amendment will have an effect on the economy of less than \$100 million a year, will not result in a major increase in costs for consumers and industry, and will have no significant adverse effects. Hence, this action is not considered "major" under Executive Order 12291 or "significant" under DOT procedures. Since this amendment merely updates existing references to API 5L without significantly affecting compliance or enforcement burdens, the economic impact of this action is minimal and the preparation of an evaluation of costs and benefits is not warranted.

RSPA has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that it does not have sufficient Federalism implications to warrant preparing a Federalism Assessment.

List of Subjects

49 CFR Part 192

Pipeline safety, Steel pipe, Gas.

49 CFR Part 195

Pipeline safety, Steel pipe, Hazardous liquid.

In consideration of the foregoing, RSPA makes the following correction and amends 49 CFR parts 192 and 195 as follows:

Appendix A to Part 192—[Corrected]

1. Correction.

In the final rule document 89-2542 on page 5628 in the issue of Monday, February 6, 1989, change item 16 under

Part 192—Amended by removing the words "and reserving."

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

Authority: 49 App. U.S.C. 1672 and 1804; 49 CFR 1.53.

Appendix A to Part 192—[Amended]

3. In section II.A.(2) of Appendix A to Part 192, the parenthetical expression "(1985)" is removed and "(1988)" is added in its place.

4. In the listing for API 5L in section I of Appendix B to Part 192, the parenthetical expression "(1985)" is removed and "(1988)" is added in its place.

5. The authority citation of Part 195 continues to read as follows:

Authority: 49 App. U.S.C. 2002; and 49 CFR 1.53.

§ 195.3 [Amended]

6. In § 195.3(c)(1)(iii), the parenthetical expression "(1985)" is removed and "(1988)" is added in its place.

Issued in Washington, DC on July 28, 1989.

Travis P. Dungan,

Administrator, Research & Special Programs, Administration.

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National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 87-08; Notice 4]

RIN 2127-AB91

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendment.

SUMMARY: Lap/shoulder safety belts are required to be installed at all forward-facing rear outboard seating positions in passenger cars (other than convertibles) manufactured on or after December 11, 1989. Although NHTSA typically includes language in its regulations when necessary in order to permit manufacturers the option to begin complying with new requirements on vehicles manufactured before the date those new requirements take effect, the agency inadvertently omitted such language from the new rear seat lap/shoulder belt requirements. This notice adds language that will correct this oversight and clarify the new requirement for rear seat lap/shoulder belts in passenger cars other than convertibles.