§ 473.11 Effect of reconsiderations and reviews.

A PSRO reconsideration and Statewide Council review shall be final and binding upon all parties to the decision unless:
(a) A subsequent decision is made on appeal; or
(b) The decision is revised in accordance with § 473.12.

§ 473.12 Reopening and revision of reconsiderations and reviews.

A PSRO reconsideration or Statewide Council review may be reopened and revised by the entity which made the decision on its own motion or upon the petition of any party:
(a) within 1 year from the date of notice to the party of the PSRO's initial decision if:
(1) New material evidence is submitted by a party;
(2) There is a clerical error in the statement of the decision; or
(3) There is an obvious error in the evidence on which the decision was based; and
(b) at any time, if the determination was procured by fraud or similar fault of the party or some other person.

Subpart C—Hearings

§ 473.21 Right to hearing and filing procedures.

(a) *Right to hearing.* If the decision of the Statewide Council (or the PSRO in a State where there is no Statewide Council) is adverse to a beneficiary or recipient, and if the amount in controversy is $100 or more, the individual may obtain a hearing by an Administrative Law Judge of the Social Security Administration by filing a written request in accordance with this section.
(b) *Where request may be filed.* The request shall be filed at any place or with anyone listed in § 473.3 or with an Administrative Law Judge of the Social Security Administration.
(c) *When request must be filed.* (1) The request for a hearing must be filed within 60 days from the date of the individual's receipt of the notice of the PSRO reconsideration or Statewide Council review, unless the time is extended for good cause as provided in 20 CFR 404.954a.
(2) The date of receipt shall be the date the notice was delivered to the party or shall be presumed to be 5 days after the date the notice was mailed, unless the party makes a reasonable showing to the contrary to the Administrative Law Judge.

§ 473.22 Utilization of Medicare Part A hearing procedures.

The following provisions of the Code of Federal Regulations shall apply to hearings under this subpart, except to the extent they are inconsistent with specific provisions of this subpart:
(a) Representation of parties—20 CFR 404.971-404.973;
(b) Determination of amount in controversy—42 CFR 405.740-405.747;
(c) Procedures for conduct of hearings and Appeals Council review—20 CFR 404.919-952 and 404.954-956 (the circumstances under which the Appeals Council of the Social Security Administration will review a hearing decision or dismissal as specified in 20 CFR 404.947a).
(d) Reopening hearings or Appeals Council decisions—42 CFR 405.750, 20 CFR 404.958, 404.961-404.963, and 404.966.

§ 473.23 Professional consultation.

(a) *Basic requirement.* (1) Before making any decision with regard to a PSRO reconsideration or Statewide Council review, an Administrative Law Judge shall obtain professional consultation in the form of either testimony (if a hearing is held) or written opinion (if a hearing is not held) from:
(i) An impartial advisor selected by the Bureau of Hearings and Appeals of the Social Securtiy Administration; and
(ii) A physician representative from the PSRO that made the intitial determination.
(2) The consultation shall be made part of the record, and shall be considered by the Administrative Law Judge along with other evidence of record in deciding the issues before him.
(b) *Qualifications of consultants.* (1) A person who provides professional consultation involving health care services provided or proposed to be provided by a physician must be a physician.
(2) A person does not satisfy the requirements of paragraph (a)(1)(i) of this section if:
(i) He would be disqualified under any of the provisions of § 473,7(a)(4);
(ii) He participated in either the PSRO initial or reconsidered determination; or
(iii) A party makes a reasonable showing that he may be biased with regard to the case under review.

§ 473.24 Determining amount in controversy.

If health care services are disapproved by the PSRO, the amount in controversy shall be determined in accordance with § 473.5(a)(2).

§ 473.25 Right to judicial review.

A party to a decision of the Appeals Council (see 20 CFR § 404.960) or a decision of an Administrative Law Judge (when the request for review by the Appeals Council was denied) may obtain a court review, if the amount in controversy is $1,000 or more, by filing a civil action in accordance with section 205(g) of the Act.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program, 13.773 Medicare—Hospital Insurance; and 13.774, Medicare—Supplementary Medical Insurance.)

Dated: December 22, 1978.

LEONARD D. SCHAEFFER,
Administrator, Health Care Financing Administration.

Approved: February 26, 1979.

Joseph A. Califano, Jr.,
Secretary.

[FR Doc. 79-6576 Filed 3-2-79; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 191]

[Docket No. OPS-49; Notice 4]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; REPORTS OF LEAKS

Leak Reporting Requirements

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Amendment to Notice of Proposed Rulemaking.

SUMMARY: This notice amends a previously issued notice of proposed rulemaking (43 FR 24478) concerning leak reporting forms by changing parts of the proposed forms RSPA-1 and RSPA-2 to provide more meaningful information about the causes of corrosion leaks. The information is needed to properly evaluate the existing corrosion control regulations (49 CFR Part 192, Subpart I) and to gather data regarding the causes of corrosion leaks.

DATE: Comments must be received by April 4, 1979. Late filed comments will be considered so far as practicable. A longer comment period is not considered necessary because of the comment period previously provided on the corrosion control issue in the proceeding.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Section, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590. Comments are available at MTB's Docket Room 6500.

FOR FURTHER INFORMATION CONTACT:

A. O. Garcia (202) 426-2082.

SUPPLEMENTARY INFORMATION: On June 5, 1978, the Materials Trans-

portation Bureau (MTB) issued a notice of proposed rulemaking (43 FR 24478) concerning revision of the forms which 49 CFR Part 191 requires operators to use in reporting gas leaks. The proposed new forms for reporting individual gas leaks on distribution systems (Form RSPA-1) and on transmission and gathering systems (RSPA-2) each contained an identical part related to the cause of corrosion leaks (Part XVI of RSPA-1 and Part XVII of RSPA-2).

Many comments to the Notice regarding Parts SVI and SVII disputed the value of reporting soil pH, soil resistivity, or pipe to soil potential with regard to a corrosion leak. Commenters argued that such data would be meaningless if reported as proposed, or no matter how reported, would serve no useful purpose in improving gas pipeline safety. Commenters also felt that collecting the data would be costly since it would require the use of trained personnel taking measurements with specialized instruments.

MTB does not agree that the proposed corrosion data would not be of benefit to improving gas pipeline safety. Similar data was used in developing 49 CFR Part 192, Subpart I, Requirements for Corrosion Control, and has been subsequently used in evaluating the adequacy of those requirements.

Soil pH, soil resistivity, and pipe to soil potential are the particular physical and electrochemical values which decribe the level of the corrosion process on a pipeline. These data are basic to analyzing the corrosion process and determining the cause of a corrosion leak:

"pH" indicates whether soil is acidic or alkaline. For example, a low pH soil reading (4 or less) indicates an acidic environment that is corrosive to steel. High pH (in excess of 8) indicates an alkaline soil that is corrosive for example to aluminum pipelines (see 49 CFR 192.455(e)).

"Soil resistivity" in combination with pH and pipe to soil potential indicates the corrosiveness of a particular soil.

"Pipe to soil potential" is an electrical measurement taken to indicate the level of cathodic protection needed on a buried metallic pipeline (See 49 CFR 192.455 and 192.463), and whether the criteria identified in Appendix D of Part 192 is met. Furthermore, it is the key measurement in determining whether or not replacement pipe is cathodically protected as required by Section 192.483.

MTB agrees with commenters to the Notice who said that data on soil resistivity and pipe to soil potential would not be meaningful if reported in the manner proposed (essentially the same as now required by Part 191 where the latest available readings are reported). In order to make the data collected more meaningful not only in determining the causes of leaks but also in evaluating the adequacy of the existing corrosion control regulations (49 CFR Part 192, Subpart I), MTB believes that soil resistivity and pipe to soil potential data as well as pH should be collected at the site of each reportable corrosion leak. Since collection of this data would be outside the scope of the original notice of proposed rulemaking, by this notice MTB is amending the original proposal and again inviting interested persons to comment on Parts XVI and XVII of the proposed reporting forms. In addition to changes regarding soil resistivity and pipe to soil potential, a number of clarifying changes are included in the amended Parts XVI and XVII. The comments on this proposal regarding corrosion data will be used in developing a new Part XVI of Form RSPA-1 and Part XVII of Form RSPA-2.

The following explanation gives reasons for the changes from what was originally proposed as Part XVI of Form RSPA-1 and Part XVII of Form RSPA-2 to what is now being proposed:

REASON FOR CHANGE

Form entry

A.1.a—Editoral change fo the purpose of clarification.

A.1.b—Editorial change to correctly decribe the type of corrosion. "Other (specify)" is added to facilitate identification of other types of corrosion such as hydrogen embrittlement, stress corrosion cracking, hydrogen stress cracking, corrosion fatigue, etc.

A.1.c—Editorial changes and additions to relate to both internal and external causes of corrosion.

A.2.a—"Ineffective coating" is added to help evaluate cathodic protection on pipelines so coated.

A.2.b—The word "applied" would clarify the misunderstanding of "coating installation."

A.2.c—Editorial changes: The word "plant" would cover either pipe coated at the manufacturing mill or at the coating application plant. "Over-the-ditch" is the term usually used for the coating of pipelines during construction. The term "field repair" includes pipelines which are recoated or reconditioned bare pipelines.

A.2.d—Editorial changes: This section is proposed to be clarified by changing "Thin Film" to "Fusion Bonded" and by adding "Extruded Polymer" and "Tape." A.3.a is proposed to be A.2.e.

A.2.e (formerly A.3.a)—"Disbonded" is added because it is a problem related to cathodic protection.

A.3.a (formerly A.4.a)—Editorial change for the purpose of clarification.

A.3.b (formerly A.4.b)—No change.

A.3.c (formerly A.4.c)—Editorial change for the purpose of clarification.

A.3.d—Identification of "Appendix D" criteria would be utilized by MTB to develop new or strengthened cathodic protection criteria in 49 CFR Part 192, Appendix D.

A.4 (formerly A.4.d and A.5.a)—Editorial changes have been made for clarification and to specify that measurements of soil resistivity and pH are to be made at the time of leak repair at a point adjoining pipeline nearest the leak. MTB believes that the proposed information would be valuable for assessing the adequacy of cathodic protection criteria in 49 CFR Part 192, Appendix D, and the causes of corrosion on existing pipelines.

A.5 (formerly A.6)—Editorial change would provide clarification for electrical protection information for buried and submerged pipelines. A pipeline to reference electrode potential measurement would have to be taken at the time of leak repair but before any existing cathodic protection is changed or new protection is added. Evaluation of pipe-to-reference electrode potential of corroded pipelines at time of repair can be utilized to develop more meaningful requirements in 49 CFR Part 192, Subpart I and Appendix D criteria, whether or not the part of the pipeline which leaked was previously cathodically protected. The "type of reference electrode" information is needed in order to make the potential measurement meaningful.

A.6 (formerly A.6.c)—The "measurement date" verifies that measurements 4a, 4b, and 5b were taken at time of leak repair.

MTB has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Departmental procedures for improving government regulations implementing Executive Order 12044. The overall cost to obtain soil pH, soil resistivity, and pipe to soil potential measurements at the site of each reportable corrosion leak should be nominal in view of the small number of reportable corrosion failures (233 in 1976) that are expected to occur annually. An operator normally would already have the use of trained corrosion personnel to gather the requested data since such personnel are necessary to conduct a corrosion control program as required by Part 192, Subpart I. However, even if such personnel are not readily available, the cost of training personnel and the cost to take the necessary measurements would be insignificant. Furthermore, an operator should have the instrumentation needed to gather data on soil pH, soil resistivity and pipe to soil potential on hand to comply with Subpart I.

In consideration of the foregoing, the amended proposed Parts XVI and XVII are set forth below.

(Sec. 3, Pub. L., 90-481, 82 Stat. 721 (49 U.S.C. 1672); for offshore gathering lines, Sec. 105, Pub. L. 93-633, 88 Stat. 2157 (49 U.S.C. 1804); 49 CFR App. A of Part 1 and App. A of Part 102).

Issued in Washington, D.C., on February 26, 1979.

CESAR DE LEON,
Associate Director for Pipeline Safety Regulation.

RSPA-1, PART XVI AND RSPA-2, PART XVII

CAUSE OF LEAK

A. Corrosion

1. General corrosion information:
   a. Where did corrosion occur?
      (1) Internally.
      (2) Externally.
   b. Visual description:
      (1) Localized pitting.
      (2) General corrosion.
      (3) Other (specify) ————.
   c. Cause:
      (1) Atmospheric.
      (2) Bacterial.
      (3) Interference current.
      (4) Galvanic.
      (5) Corrosive gas.
      (6) Other (specify) ————.
2. External pipeline coating information:
   a. Coating:
      (1) Bare.
      (2) Ineffective.
      (3) Coated and/or wrapped.
   b. Year coating applied ————.
   c. Coating applied at:
      (1) Plant.
      (2) Over-the-ditch.
      (3) Field repair.
   d. Material:
      (1) Coal tar.
      (2) Asphalt.
      (3) Wax.
      (4) Prefabricated film.
      (5) Fusion bonded.
      (6) Extruded polymer.
      (7) Tape.
      (8) Other (specify) ————.
   e. Cause of coating failure:
      (1) Damage.
      (2) Defective material.
      (3) Defective application.
      (4) Decomposition.
      (5) Disbonded.
      (6) Other (specify) ————.
3. Prior protection information for buried and submerged pipelines:
   a. Was corroded part of pipeline cathodically protected prior to discovering leak?
      (1) Yes.
      (2) No. (If "No" go to item 4.)
   b. Year protection started ————.
   c. Type of protection system:
      (1) Galvanic anode.
      (2) Impressed current.
      (3) Other (specify) ————.
   d. Criteria from Part 192, Appendix "D" used for cathodic protection: (1), (2), (3), (4), or (6) other (specify) ————.
4. Resistivity and pH of media (soil, water, other) around buried or submerged pipeline, measured at time of leak repair at a point adjoining pipeline nearest the leak.
   a. Resistivity (OHM—CM) ————.
   b. pH (one decimal) ——.—.
5. Electrical protection information for buried and submerged pipelines.
   a. Pipeline to reference electrode potential measured at leak location and at time of leak repair before any changes or additions to any existing cathodic protection. ———— millivolts.
   b. Type reference electrode:
      (1) Cu-CuSo$_4$.
      (2) KCl-Calomel.
      (3) Ag-AgCl.
      (4) Other (specify) ————.
6. Measurement date:
   Date measurement for 4a, 4b, and 5a was taken:
   Month ———Day — Year ——.

[FR Doc. 79-6229 Filed 3-2-79; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-19; Notice 7]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Rims for Motor Vehicles Other Than Passenger Cars; Advance Notice of Proposed Rulemaking

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice announces the intention of the National Highway Traffic Safety Administration (NHTSA) to commence a rulemaking proceeding to determine whether Federal Motor Vehicle Safety Standard No. 120, "Tire selection and rims for motor vehicles other than passenger cars," should be amended to require certain performance levels for tire and rim component retention to prevent separation of multipiece wheels in sudden deflation and run-flat conditions. The agency is also investigating the need to ban the production of multipiece rims. This rulemaking action is in response to a petition by the Insurance Institute for Highway Safety (IIHS). The agency solicits views, comments, and information from interested persons regarding the merits and disadvantages of these contemplated requirements, with particular reference to the safety benefits to be derived, costs to be incurred, and the imposition of, and any possible relief for, any other burdens on the public at large, the manufacturers of multipiece wheels, and the transportation industry.

DATES: All comments on this notice must be received on or before June 5, 1979. Applications for financial assistance must be received on or before April 4, 1979.

ADDRESSES: All comments on this notice should refer to Docket No. 71-19 and be submitted to Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

Applications for financial assistance should be submitted to Ms. Jeannette Feldman, Special Assistant to the Evaluation Board, National Highway Traffic Safety Administration, Room 5220, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Frederick Koch, Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2800).

SUPPLEMENTARY INFORMATION: IIHS filed a petition with this agency for a defect investigation of multipiece truck wheels and rims on June 14, 1978. In that petition, IIHS explained that it was filing the petition based on the following circumstances:

> Multipiece wheel separations have occurred and will continue to occur with loss of life and serious, maiming injuries. Although multipiece wheels served a function in the early development of motor vehicles, the increased size, weight, and speeds of modern trucks and buses have made multipiece wheels not only obsolete, but far too dangerous to be permitted to remain on the road. The numerous death and serious injuries caused by multipiece wheel separations clearly indicate that positive remedial action is required and essential.

IIHS elaborated on this position in the petition for rulemaking which it filed with this agency on October 2, 1978. That petition requested the establishment of rim and component retention requirements for wheels on vehicles other than passenger cars:

> There are at least two distinct benefits to be gained from the adoption of the proposed performance tests: The elimination of the lethal explosion that multipiece wheels can produce, and improved control of trucks and other heavy vehicles experiencing tire failures.
>
> The inherent unsafe design of multipiece wheels has long been known and recognized by those in the tire service and repair industry. Explosive separations of such wheels have killed and maimed many innocent persons. The Institute has information on 202 cases of separation which have occurred from at least 1957, resulting in 36 deaths and 137 injuries and involving 11 designs of multipiece wheels.

The rim used in passenger cars and some trucks and buses is the single piece drop center rim. This rim requires the tire bead to be forced over the top of the rim flange when it is installed. The rim's sealing qualities permit the use of tubeless tires. These attributes of the rim enable a tire-rim combination using these rims to pass two tests required if the tire-rim combination is to be used on passenger cars—a bead unseating test, required for Standard No. 109, and a rapid loss of inflation pressure test, required for Standard No. 110.