

3. Although § 1.46(b) of the Commission's Rules specifies that extension requests must be filed seven days in advance of the deadline, this request was not received within that prescribed period of time. However, the Commission believes it would be in the public interest to have this material available to it in arriving at a decision herein.

4. Accordingly, it is ordered, That the time for filing comments and reply comments herein in MM Docket No. 83-38 (RM-4237) is extended to and including March 29, 1983 and April 14, 1983, respectively.

5. This action is taken pursuant to authority contained in §§ 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

Federal Communication Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-8291 Filed 3-30-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Ch. I

Transport of Radioactive Materials; Extension of Public Comment Period on Proposed Changes to International Regulations

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: On February 17, 1983, the Materials Transportation Bureau (MTB) published a request for public comment (48 FR 6997) on the "Third Draft Revision" of the International Atomic Energy Agency's "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6". This notice extends the deadline for comments on that document, following a request for a longer comment period.

DATE: Comments should be received by May 20, 1983.

ADDRESS: Send comments and requests for documents to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should be identified as pertaining to the "Third Draft Revision of the IAEA Regulations" and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400

7th Street, SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT:

R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone (202) 426-2311.

SUPPLEMENTARY INFORMATION:

Following a request for a longer comment period from several Member States, the International Atomic Energy Agency has extended the comment period for the "Third Draft Revision" of its transport regulations. Accordingly, the Materials Transportation Bureau is extending the comment period from the original April 1, 1983 to May 20, 1983. All comments received will be considered and included, as far as practical, in the U.S. Comments to the IAEA on the proposal.

Issued in Washington, D.C., on March 24, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-8101 Filed 3-30-83; 8:45 am]

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49 CFR Part 191

[Docket OPS-49; Notice 5]

Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to amend the present requirements for the reporting of gas leaks and test failures by a gas pipeline operator. In compliance with Executive Order 12291, a regulatory review was conducted to determine if the present leak reporting forms presented a burden which could be reduced. As a result of this review and a desire to reduce the burden of paperwork due to reporting forms, this Notice presents for comment completely revised annual and incident reporting forms, and revised requirements for telephonic, incident, and annual reports.

DATE: Comments must be filed by May 31, 1983. 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, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. The comments will be available at the Dockets Branch, Room 8426, 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: R. F. Langley, 202-426-2392.

SUPPLEMENTARY INFORMATION:

Classification

The proposals made in OPS-49, Notice 5 will reduce regulatory burdens. I certify that these proposed regulations (1) are not "major" under Executive Order 12291 and (2) are not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), since this proposed rule will have a positive effect on the economy of less than \$100 million a year, and will result in a cost savings to consumers, industry, and government agencies.

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires a review of certain rules proposed after January 1, 1981, for their effects on small businesses, organizations, and governmental bodies. MTB's Regulatory Review¹ showed that the proposed regulation will reduce the burden on an estimated 81,000 master meter operators and impose additional incident reporting requirements on less than 2,000 small gas distribution operators for a net benefit overall.

The draft copies of the reporting forms included with this NPRM, together with their instructions, will not become effective until final review and approval has been made by the Office of Management and Budget (OMB). After approval by OMB, the forms will be published again with the final rule as an amendment to 49 CFR Part 191.

Rescissions

MTB's intent is that this Notice supersede all open notices and dockets with regard to gas pipeline leak and annual reporting forms. Previous Notices of Proposed Rulemaking, including Notice 1, 43 FR 24478, June 5, 1978, and its amendment of March 5, 1979, 44 FR 12070 (Notice 4), and Notices 2 and 3 which extended the comment period and corrected a typographical error, are hereby rescinded.

Background

The objective of the proposed revised incident and annual reporting forms is to continue to provide for the collection of

¹ See RSPA Regulatory Review Report, June 3, 1982. This "Review Report" has been placed in the Docket file and is available for inspection.

pipeline safety data that are considered necessary for the identification, analysis, and evaluation of pipeline safety problems and for solutions to these problems by this Department and also by industry.

The present authorized forms for reporting leaks and test failures in use over the past decade, have proved quite useful in helping pipeline safety regulatory agencies and the reporting operators to identify certain areas which have highlighted safety problems. Notable among these problems have been damage to gas pipelines by outside forces and lack of notification by outside parties preparing to excavate in the vicinity of buried pipelines. Due to the written and telephonic reports of incidents caused by outside forces, regulations² have been promulgated to aid and assist gas pipeline operators in protecting their facilities from damage and possible severe consequences.

The present authorized forms known as the "Individual Leak Report" forms submitted in response to 49 CFR 191.9 and 191.15 and the "Annual Report" forms submitted in response to 49 CFR 191.11 and 191.17 are quite lengthy and perhaps cumbersome to the gas pipeline operators—in particular the small (less than 1,500 services) operators. Although the forms presently in use have been quite useful in providing information and emphasizing problem areas, it now appears that the MTB can change and reduce the reporting and requested information on these forms to a minimal amount and still not compromise the safety of the gas pipelines.

Gas pipeline operators, State regulatory agencies, the National Transportation Safety Board (NTSB), and industry associations have, within recent years, observed the possibilities of reducing the volume of information requested on the reporting forms and have requested a simplification of these forms.

In 1976, MTB specifically solicited and received comments from various State agencies, the pipeline industry, and its affiliated associations on proposed revisions to the reporting forms presently in use. On June 5, 1978, Docket OPS-49, "Transportation of Natural and Other Gas by Pipeline; Reports of Leaks," was published in the **Federal Register**. This Notice proposed to revise the existing gas pipeline incident and annual reporting forms. In response to Executive Order 12291, a regulatory review was conducted to determine if the proposed revised reporting requirements set forth in Docket OPS-49

should be promulgated. As a result of this review, a final rule was not promulgated. Further suggestions for revising the forms were solicited in 1981 from NTSB, the American Gas Association (AGA), the American Society of Mechanical Engineers (ASME), Gas Piping Standards Committee, the Interstate Natural Gas Association of America (INGAA), and the Plastic Pipe Institute. The Technical Pipeline Safety Standards Committee considered this regulatory project at its meeting November 16-17, 1982, and their suggestions are in the public transcript. All suggestions have been reviewed, and appropriate proposals have been evaluated and incorporated where practicable.

NTSB has recommended in its report "Safety Effectiveness, Evaluation of the Materials Transportation Bureau's Pipeline Data System," dated August 12, 1980, that this Department institute Federal pipeline safety standards under the Hazardous Materials Transportation Act (49 U.S.C. 1804) for gas gathering lines located in rural onshore areas, similar to the action taken when 49 CFR Part 192 was applied to gas gathering lines offshore. In its response of July 31, 1981, the Department stated that more data were needed to identify the number and kinds of safety problems in rural gas gathering lines. To assist in the gathering of such data MTB is proposing to extend the applicability of the telephonic reporting requirements in Part 191, § 191.5, to include rural gas gathering lines located onshore. The information will also be useful to MTB in meeting the requirements of subsections 28(w)(3) and (4) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), regarding the reporting of certain pipeline safety problems on Federal lands.

No written incident or annual reports will be required from these rural onshore gas gathering lines until the telephonic reporting from these operators has been analyzed over a significant period of time to determine the magnitude of incidents and to determine whether such reports are warranted. At the same time, the scope of Part 191 would be amended to make it clear that the reporting requirements apply to offshore pipelines, including gathering lines, now subject to Part 192.

To facilitate meeting the reporting requirements of 49 CFR 193.2011 with a minimum of burden, MTB is proposing to amend the telephonic reporting requirement in § 191.5 to expressly cover the reporting of significant liquefied natural gas (LNG) incidents. Submission of a written report on Forms

F 7100.1 or F 7100.2 on LNG facility incidents would not be required.

All of the Part 191 reporting requirements currently apply to pipelines that are part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association. Such systems are commonly called master meter systems. Historically, the vast majority of natural gas and petroleum gas master meter operators have had a lack of awareness and understanding with regard to Federal pipeline safety requirements. Congress, in enacting the Pipeline Safety Act of 1979 (Pub. L. 96-129; November 30, 1979), gave recognition to this problem. In addition, MTB has developed and distributed to master meter operators guidelines to assist these operators in understanding and achieving compliance with pipeline safety regulations.

The MTB believes that until the benefits of this education process are achieved, it is inappropriate to maintain the current applicability of all the Part 191 reporting requirements to such systems. By this notice, MTB is proposing to except master meter operators from individual incident and annual report filing requirements of §§ 191.9 and 191.11. To assure the receipt of at least minimally needed information on significant incidents, master meter systems will continue to be subject to the telephonic reporting requirements of § 191.5.

Operators of petroleum gas systems that are not master meter systems would be subject to all reporting requirements of Part 191 except annual reports need not be submitted for systems with fewer than 100 customers.

MTB further is proposing to reduce the criteria for reporting incidents under § 191.5 to lessen the burden on the industry and to ensure that only the significant incidents are reported. As an example, the \$5,000 property damage criterion is being increased to \$50,000. Some almost negligible incidents, where gas escapes and there is no fire or other damage, can cause a loss of over \$5,000 since the product alone can cost as much as 10 times the cost when the regulations were originally set forth.

MTB is proposing, given the reduction in criteria, to revoke the exception now given to distribution companies with less than 100,000 customers from filing individual leak reports under § 191.9 and to require all operators (except master meter and LNG facility operators), who must report an incident telephonically under requirements of Part 191, to also file a written report.

² 49 CFR Part 192, Amendment No. 192-40, Docket No. PS-59 (47 FR 13818, April 1, 1982).

Since Part 191 was first promulgated, it has been a requirement of § 191.5(a)(2) that transmission operators report any leak which required the taking of any segment of transmission pipeline out of service. MTB is soliciting comments on the feasibility and reasonableness of continuing this requirement in the proposed amendment to Part 191. If it is ascertained, through comments, that such reports do not serve a useful purpose for the safety of gas pipelines, then MTB would rescind this requirement.

The proposed Part 191 deletes all reference to test failures. At present, it is a requirement of § 191.15 that transmission and gathering system operators report all test failures. The present rule does not differentiate between test failures occurring as part of new construction tests or test failures occurring after the pipeline has been in service during, as an example, tests to uprate the piping system. MTB would like comments on the feasibility and reasonableness of requiring that test failures, occurring subsequent to the pipeline being placed in initial service be reported as a separate item on the transmission and gathering incident report.

In the proposed Distribution Incident Report form, there is a total of 65 reporting elements. This is only 57.5 percent of the present 113 reporting elements. In the proposed Transmission Incident Report form, there is a total of 79 reporting elements. This is 69.9 percent of the present 113 reporting elements. For the Annual Report forms, the reduction in reporting elements and burden is quite dramatic. The present Distribution Annual Report has a possible total (depending on the operator's system) of 521 reporting elements. The proposed form has 168 reporting elements or only about one third of the present form. The Transmission Annual Report has up to a total of 589 reporting elements (again depending on the operator's system). The new proposed form has 94 reporting elements or about 16 percent of the present requirements.

Significant Changes in Forms:

No attempt has been made to describe and to discuss in detail every proposed change in the forms. Rather, it was decided that the following general description and discussion of proposed changes, together with publication of the proposed revised forms and instructions to be used in completing the forms, would be sufficient to direct attention to the various issues involved. This approach was adopted because a detailed listing of all the changes would be unnecessarily voluminous and also

would represent a much more tedious way to review the changes than simply comparing the proposed and present forms directly.

The revised individual incident report forms for gathering, transmission, and distribution operators are proposed to become effective January 1, 1984, with annual report forms for calendar year 1984 proposed to be submitted on or before March 15, 1985.

The primary changes to the reporting forms parallel those changes suggested for the regulations. The revised forms are designed to provide for the accumulation of factual data that will give MTB a sound statistical base from which to identify safety problems, to determine cause(s) and to propose regulatory solutions. The data captured on the forms are either by multiple choice selection or by narrative description. The general layout and format are simple enough to allow a small system operator to complete an individual or annual report without consulting an outside contractor. The final version of both forms also will contain a self-mailer.

The individual incident reports capture data on significant incidents that meet the criteria from all operators, except master meter operators, of distribution and transmission/gathering systems. For this reason, the individual reports request detailed information about the cause of a pipeline incident. The cause of incidents which have significant consequences will serve as the nucleus for analyzing data which are essential for the development of a rational regulatory program. Also, the revised forms are organized and worded to eliminate redundant and unnecessary questions and to ensure uniform reporting by clarifying remaining questions more precisely. In essence, the revised individual report forms contain enough data of sufficient magnitude that MTB can take action that may be necessary to protect persons or property. The essential parts of the revised individual report forms are: (1) Operator identification, location, time, and basic facts about incident; (2) Apparent cause; (3) Narrative description; (4) Origin/pipe or component data; (5) Environment/material data; (6) Environment (depending on the form being used); (7) three or four parts providing causal details; and (8) preparer's signature, title, and phone number.

The proposed annual report forms have been reduced substantially from the present forms. The revised report forms now are structured to capture only significant system features applicable to the majority of all

operators, and to capture summaries of incidents repaired on the system throughout the year by cause. MTB believes the revised structure is practical since detailed information of the operator's systems is available from other sources. The most significant change to the forms involves integrating the annual report data with the individual report data. On the suggested annual forms, consistency of column titles will enable cross comparison of data on a larger scale and will present a workable method to facilitate analysis of possible safety problems. Thus, in light of the size of the nationwide pipeline system and the importance of the MTB's role in developing and enforcing an effective pipeline safety program, the annual report represents the foundation for conducting analyses of the pipeline data. The layout and format for the suggested annual report are based on the preceding highlights. This revised annual report requests: (1) Operator identification; (2) System description information, based on size and material; (3) Total leaks repaired, based on cause as stated in the suggested individual report; and (4) Total leaks on Federal lands.

Benefits: The anticipated benefits that would be derived from the use of the proposed revised incident reporting forms are as follows:

1. Collect additional or revised useful, statistical information necessary to assemble facts that will enable the Department to define safety problems and to devise regulatory solutions more effectively.
2. Provide information necessary to comply with the additional statutory responsibilities assigned to MTB since the reporting regulations were promulgated in 1970.
3. Delete information which has been determined unnecessary after 10 years of data collection experience.
4. Make it easier for operators to submit requested information since the compliance burden is reduced substantially by reporting with the proposed forms.
5. Provide improved and easier to understand instructions and clarification of terms needed for the appropriate completion of the forms.
6. Save the government and industry an estimated \$5 million¹ annually of the present cost to comply with reporting regulations for pipeline incidents.

List of Subjects in 49 CFR Part 191

Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, MTB proposes that Part 191 of Title 49 of the

Code of Federal Regulations be revised as follows:

1. The title is revised to read as follows:

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL REPORTS AND INCIDENT REPORTS

2. The table of contents is amended by revising the following section headings to read as follows:

Sec.	* * * * *
191.5	Telephonic notice of certain incidents.
* * * * *	
191.9	Distribution system: Incident report.
* * * * *	
191.13	Distribution system reporting transmission pipelines; Transmission or gathering systems reporting distribution pipelines.
191.15	Transmission and gathering systems: Incident report.
* * * * *	

3. The statement of authority is revised to read as follows:

Authority: 49 U.S.C. 1881(b); 49 U.S.C. 1808(b); 49 CFR 1.53, and Appendix A of Part 1.

4. Section 191.1 is revised to read as follows:

§ 191.1 Scope.

(a) This part prescribes requirements for reporting gas incidents and annual gas pipeline summary data by operators of gas pipelines and LNG facilities located in the United States or Puerto Rico, including offshore.

(b) This part does not apply to—

- (1) Planned and controlled release of gas intended by operators; or
- (2) Offshore gathering of gas upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.

5. In § 191.3, the introductory text is revised, the definitions of "Pipeline facilities," "System," and "Test failure" are removed, and the following new definitions are added:

§ 191.3 Definitions.

As used in this part and the RSPA Forms referenced in this part—

"Incident" means an event which involves a pipeline or LNG facility and which results in an actual hazardous or probable hazardous condition requiring immediate action on the part of the operator;

"LNG facility" means a liquefied natural gas facility that is subject to Part 193 of this Chapter;

"Master Meter System" means a system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution piping system. The gas distribution piping system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents;

"Offshore" means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters;

"Pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

"Rural onshore gathering line" means an onshore gathering line or segment thereof located outside any of the following areas:

- (a) An area within the limits of any incorporated or unincorporated city, town, or village; or
- (b) Any designated residential or commercial area, such as a subdivision, business, or shopping center, or other community development;

6. Section 191.5 is amended by revising paragraphs (a) and (b) (1) through (5) to read as follows:

§ 191.5 Telephonic notice of certain incidents.

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with paragraph (b) of this section of each incident that:

- (1) Resulted in death or an injury which required inpatient hospitalization;
- (2) Caused estimated damage to the property of the operator, or others, or both, totaling \$50,000 or more;
- (3) Resulted in the taking of any segment of transmission pipeline out of service;
- (4) In the case of an LNG facility, caused an emergency shutdown control system to be activated; or
- (5) Even though an incident did not meet the criteria of paragraphs (9)(1), (2), (3), or (4) of this paragraph, in the judgment of the operator:

(i) Was significant; or

(ii) Created or has the potential to create concern for public safety and for which immediate repair or other emergency action was necessary.

An operator need not give notice of an incident that met only the criterion of paragraph (a)(3) of this section if it occurred solely as a result of, or in connection with, planned or routine maintenance or construction.

(b) * * *

(1) Names of operator and person making report and their telephone numbers.

(2) The location of the incident.

(3) The time of the incident.

(4) The fatalities and personal injuries, if any.

(5) All other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages.

7. Section 191.7 is revised to read as follows:

§ 191.7 Addressee for written reports.

Each written report required by this part must be made to the Information Systems Manager, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. However, reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to certification under section 5(a) of the Natural Gas Pipeline Safety Act, may be submitted in duplicate to the State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt for incident reports and not later than March 15 for annual reports, to the Information Systems Manager, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

8. Section 191.9, is revised to read as follows:

§ 191.9 Distribution system: Incident report.

(a) Except as provided in paragraph (c) of this section, each operator of a distribution system shall file Department of Transportation Form RSPA F 7100.1 whenever an incident meets the criteria specified in § 191.5 as soon as practicable but not more than 30 days after detection of the incident.

(b) When additional relevant information is obtained after the report is submitted under paragraph (a) of this section, the operator shall make supplementary reports as deemed necessary with a clear reference by date and subject to the original report.

(c) The incident report required by this section need not be submitted with respect to master meter systems of LNG facilities.

9. Section 191.11 is revised to read as follows:

§ 191.11 Distribution system: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form RSPA F 7100.1-1. This report must be submitted not later than March 15 for the preceding calendar year.

(b) The annual report required by this section need not be submitted with respect to:

(1) Petroleum gas systems which serve fewer than 100 customers from a single source;

(2) Master meter systems; or

(3) LNG facilities.

10. Section 191.13 is revised to read as follows:

§ 191.13 Distribution system reporting transmission pipelines; Transmission or gathering systems reporting distribution pipelines.

Each operator of a distribution system shall submit reports for transmission pipelines under §§ 191.15 and 191.17. Each operator of a transmission or gathering system shall submit reports for distribution pipelines under §§ 191.9 and 191.11.

11. Section 191.15 is amended by revising paragraphs (a) and (c) to read as follows:

§ 191.15 Transmission and gathering systems: Incident report.

(a) Except as provided in paragraph (c) of this section, each operator of a transmission or a gathering system shall file Department of Transportation Form RSPA F 7100.2 whenever an incident meets the criteria specified in § 191.5 as soon as practicable but not more than 30 days after detection of the incident.

(b) * * *

(c) The incident report required by paragraph (a) of this section need not be submitted with respect to rural onshore gathering lines or LNG facilities.

12. Section 191.17 is revised to read as follows:

§ 191.17 Transmission and gathering systems: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a transmission or a gathering system shall submit an annual report on Department of Transportation Form RSPA F 7100.2-1. This report must be submitted for the preceding calendar year after the effective date of this regulation and not later than March 15 of each year thereafter.

(b) The annual report required by paragraph (a) of this section need not be submitted with respect to rural onshore gathering lines of LNG facilities.

(49 U.S.C. 1681(b) and 1808(b); 49 CFR 1.53, Appendix A of Part 1, and Appendix A of Part 106)

Issued in Washington, D.C. on March 25, 1983.

Richard L. Beam,

*Associate Director for Pipeline Safety
Regulation, Materials Transportation Bureau.*

BILLING CODE 4910-60-M