

Executive Order 11949 and OMB Circular No. A-107.

Dated; September 14, 1978.

RICHARD R. HITE,
Deputy Assistant Secretary of
the Department of the Interior.

41 CFR 114-50 is amended as follows:

Subpart 114-50.6—Moving and Related Expenses

Amend § 114-50.601-2 to read as follows:

§ 114-50.601-2 Nonallowable moving expenses and losses.

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(c) Improvements to the replacement site.

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[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 192]

[Docket No. OPS-29; Reference Notice 74-4]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Recommendations of the National Transportation Safety Board

AGENCY: Materials Transportation Bureau.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: Rulemaking action recommended by the National Transportation Safety Board (NTSB) concerning telemetry of pressure or flow data to warn of system failures, the definition of an "emergency," and closing designated valves in an emergency is not considered appropriate in light of public comments and current safety standards. The notice of proposed rulemaking is withdrawn.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On June 21, 1974, the Office of Pipeline Safety issued an advance notice of proposed rulemaking (ANPRM) (notice 74-4; 39 FR 24027, June 28, 1974) inviting public comments on three recommendations for rulemaking made by the NTSB in its report No. NTSB-PAR-74-3, titled, "Pipeline Accident Report—Missouri Public Service Co., Clinton, Mo., December 9, 1972." The report involved a gas explo-

sion where operator personnel arrived 50 minutes before the incident but did not shut off the flow of gas until 1 hour and 40 minutes afterward. The NTSB's rulemaking recommendations were: P-74-16. Revise 49 CFR 192.741 to require pipeline operators to telemeter gas pressure or flow data in such a way as to insure prompt warnings of significant system failures shown by pressure or flow changes. The type and location of the data points should be considered on an individual basis and should include single-fered systems serving substantial numbers of customers.

P-74-17. Define what constitutes an emergency and provide clarification of the requirements of emergency procedures under 49 CFR 192.615, emergency plans.

P-74-18. Require that designated emergency valves be the valves closed initially when a section of main is required to be isolated in an emergency.

There were 72 persons who responded to the ANPRM; and the Department's Technical Pipeline Safety Standards Committee (TPSSC) discussed the matter at a meeting in Washington, D.C., on October 31, 1974.

There were no favorable comments with regard to recommendation P-74-16. A large majority of the commenters and the TPSSC stated that with few exceptions, telemetered pressure or flow data would not show the difference between normal variations in gas flow and hazardous pipeline leaks. Other commenters pointed out that a large number of data collection points would be necessary for a data telemetry system to be effective, which would be too costly in light of potential benefits. Other commenters stated that a pipeline failure could only be detected from telemetered data by an experienced, trained observer who is familiar with the pipeline system involved, and even then the data would not show the location of the failure. Still other commenters argued that available telemetry equipment has been unreliable and its usage could lead to operational problems.

The Materials Transportation Bureau (MTB) agrees with these comments and also the view expressed by some commenters and the TPSSC that surveillance as well as employee and customer education are better ways of reasonably providing prompt leak detection than an unproven data telemetry system. Surveillance is the subject of several part 192 regulations (e.g., §§ 192.613 and 192.723) and operating instructions for employees are covered by §§ 192.603 and 192.605. Also, since the ANPRM was issued, part 192 has been amended (Amendment 192-24, 41 FR 13587, March 31, 1978) to require that operators pre-

pare and follow more detailed emergency procedures, and that personnel and customer education programs be conducted (see § 192.615). In addition to these current requirements, future rulemaking that is planned on the specifics of operating procedures should further help resolve the problems of early leak detection and timely operator response. For these reasons, recommendation P-74-16 has not been adopted.

Recommendation P-74-17, regarding emergency plans, was adopted in part by amendment 192-24. However, that amendment did not provide a definition of "emergency." Most commenters to the ANPRM and the TPSSC were against establishing a definition in part 192 because the term is generally understood and adopting any other meaning might restrict the applicability of the required emergency procedures (§ 192.615). MTB agrees. The current dictionary definition of the term "emergency" provides for the widest possible application of an operator's emergency procedures in light of the variations in gas systems and different situations that can occur requiring immediate operator response.

All the commenters and the TPSSC opposed recommendation P-74-18. Some of the significant reasons against it were: (1) Closing valves could present a greater hazard than the leak to be isolated, (2) an operator should be free to use the nearest available valves rather than pre-designated ones, (3) often pipe can be dug up and isolated at the point of leakage by other means before valves can be closed and the pipeline blown down to reduce the pressure on a leak, and (4) due to the variations in operating conditions, the best regulatory approach is to require operators to develop procedures for isolating any line section in an emergency. MTB agrees with these views and has not adopted the recommendation. It should be noted that as a result of amendment 192-24, § 192.615(a)(6) requires operators to have and follow the necessary isolation and shutdown procedures.

In consideration of the foregoing, the ANPRM is hereby withdrawn.

(49 U.S.C. 1672; 49 CFR 1.53, App. A of part 1 and App. A of part 102.)

Issued in Washington, D.C., on September 15, 1978.

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