

case involving a member of the public in a similar situation.

(b) The following records are available thru all FHWA document inspection facilities:

(1) *FHWA Orders*. These orders are issued by the Federal Highway Administration and used primarily to promulgate internal FHWA policy, instructions, and general guidance.

(2) *FHWA Notices*. These notices are issued by the Federal Highway Administration and contain short term instructions or information which is expected to remain in effect for less than 90 days or for a predetermined period of time normally not to exceed one year.

(3) *FHWA Bulletins*. These bulletins are issued by the Federal Highway Administration and are used to promulgate one time announcements or transmit reports, publications, and other similar material.

(4) *FHWA/NHTSA Orders*. These are orders issued jointly by the Federal Highway Administration and the National Highway Traffic Safety Administration and contain policies, procedures, and information pertaining to the joint administration of the State and Community Highway Safety Program.

(5) *FHWA Manuals*. These manuals are issued by the Federal Highway Administration and contain detailed procedures relating to policies and program responsibilities. They include the following:

(i) *Federal-Aid Highway Program Manual*. This Manual contains policies, procedures, standards, and guides relating to the administration of the Federal-Aid Highway Program and the Direct Federal Construction Program.

(ii) *Organization Manual*.

(iii) *Administrative Manual*.

(iv) *External Audit Manual*.

(v) *Labor Compliance Manual*.

(vi) *Civil Rights Manual*.

(vii) *Highway Planning Program Manual*.

(viii) *Emergency Planning and Operations Manual*.

(ix) *Research and Development Program Manual*.

(x) *Right-of-Way Operations Manual*.

(xi) *Motor Carrier Safety Operations Manuals*. These Manuals contain details of compliance programs, accident investigations, enforcement programs, and interpretations.

(6) *Highway Safety Standards*. These highway-related standards, issued by the Federal Highway Administration, apply to the aspects of State highway safety programs for which responsibility resides in the Federal Highway Administration under the Highway Safety Act of 1966 and delegations of authority by the Secretary of Transportation.

(7) *Motor Carrier Safety Administrative Rulings*.

(8) *Motor Carrier Safety Waivers From Regulations*.

(9) *Indexes for the above records*.

4. *Requests for Records under Subpart E of this part*. Each person desiring to inspect a record, or to obtain a copy thereof, may submit his request, in writing, to the FHWA Records Officer at the address listed in paragraph 2 above. Each request is subject to the appropriate fee prescribed in Subpart H of this part.

5. *Determination not to disclose records*. The FHWA Records Officer (HMS-10) in the Washington Headquarters is the only official authorized to deny requests for the disclosure of records for all FHWA organization elements, both Headquarters and field.

6. *Reconsideration of determination not to disclose records*. Any person who has been notified that a record or any part of a record he has requested cannot be disclosed, may apply, in writing, to the Associate Administrator for Administration, Federal Highway

Administration, 400 Seventh Street, SW., Washington, DC 20590 for reconsideration of his request. The decision of the Associate Administrator for Administration is administratively final.

APPENDIX E—FEDERAL RAILROAD ADMINISTRATION

1. *General*. This appendix describes the document inspection facility of the Federal Railroad Administration, the kinds of records that are available for public inspection and copying at that facility and the procedures by which members of the public may make requests for identifiable records.

2. *Document inspection facility*. The document inspection facility is maintained at the headquarters of the Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. This facility is open to the public during regular working hours.

3. *Records available at the document inspection facility*. The following records are maintained at the document inspection facility:

(a) Any material issued by the Federal Railroad Administration and published in the Federal Register, including regulations.

(b) Final opinions (including concurring and dissenting opinions, if any) and orders made in the adjudication of cases and issued from within the Federal Railroad Administration. Included are opinions and orders issued under the Safety Appliance Acts, Hours of Service Act, Signal Inspection Act, Locomotive Inspection Act, Accident Reports Act, and the Federal Railroad Safety Act.

(c) Any policy or interpretation issued within the Federal Railroad Administration, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(d) Any administrative staff manual or instruction to staff, issued from within the Federal Railroad Administration, that affects any member of the public, including the prescribing of any standard, procedure, or policy that, when implemented, requires or limits any action of any member of the public or prescribes the manner of performance of any activity by any member of the public.

(e) Public Notice of pending administrative actions.

(f) Office of Safety Annual Report.

(g) Accident Bulletin.

(h) Rail-Highway Grade-Crossing Bulletin.

(i) Locomotive Specifications.

(j) Documents related to loans, loan guarantees, or grant programs conducted by the Federal Railroad Administration.

(k) An index to the material described in (a) through (d).

The records and the index may be inspected, at the facility, without charge. Copies of records may be obtained upon payment of the fee prescribed in Subpart H of this part.

4. *Requests for identifiable records under Subpart E of this part*. Each person desiring to inspect a record, or to obtain a copy thereof, must submit his request in writing to the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part.

5. *Reconsideration of determination not to disclose Records*. Any person to whom a record has not been made available within the time limits established by this part, and any person who has been given a determination that a record he has requested will not be disclosed, may apply, in writing, to the Federal Railroad Administrator, Nassif Build-

ing, 400 Seventh Street, SW., Washington, D.C. 20590, for reconsideration of his request. For all purposes, including that of judicial review, the decision of the Administrator is administratively final.

In Appendix F, paragraphs 2 and 4 are amended to read as follows:

APPENDIX F—ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

2. *Document inspection facility*. The document inspection facility of the Saint Lawrence Seaway Development Corporation is maintained at its headquarters building at Maccana, New York. This facility is open to the public during regular working hours.

4. *Requests for identifiable records under Subpart E of this part*. Each person desiring to inspect a record, or to obtain a copy thereof, must submit his request in writing to the Director of Administration, Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York, 13662. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part. The decision of the Administrator, Assistant Administrator or the General Counsel to withhold a record is administratively final.

Appendices G and H remain the same. (5 U.S.C. 552; Pub. L. 93-502, 83 Stat. 1565; 31 U.S.C. 433, 49 U.S.C. 1657.)

Effective date. This amendment is effective May 9, 1975.

Issued in Washington, D.C., on May 2, 1975.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

[FR Doc.75-12275 Filed 5-8-75;8:45 am]

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY
[Amdt. 192-21, Docket No. OPS-241]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Odorization of Gas in Transmission Lines

This amendment to Part 192 establishes in § 192.625 minimum Federal safety standards for odorization of gas in certain transmission lines. It also modifies § 192.705 and adds a new § 192.706 to require that transmission lines be patrolled and surveyed for leaks on the basis of class location and whether the lines carry odorized gas.

To allow lead time for compliance, the new requirements for odorization of gas do not become applicable until January 1, 1977. Until then, the interim standards in Part 190 of Title 49 of the Code of Federal Regulations applicable to the odorization of gas in transmission lines in the States of California, Connecticut, New Hampshire, New York, New Jersey, Massachusetts, Rhode Island, and Vermont will remain in effect as provided by § 192.625(g).

Requirements for odorization of gas in all pipelines were originally proposed in Docket No. OPS-3E (Notice 70-5; 35 FR 5482, April 2, 1970). The comments to that docket were almost unanimously

opposed to the odorization of gas in transmission lines. As a consequence, the Office of Pipeline Safety (OPS) issued Notice 70-11 (35 FR 9293, June 13, 1970), requesting additional comments on several problems of odorizing gas in transmission lines and information from States that required such odorization.

Comments on Notice 70-11 were also generally opposed to odorizing gas in transmission lines. Several States, however, urged adoption of the original proposal, indicating that their experience did not support the objections raised by other commenters. Because the record contained conflicting information as to odorization of gas in transmission lines, the applicability of the original proposal was limited in the final rule to mains and service lines (35 FR 13248, August 19, 1970).

To help determine the advisability of further action, OPS held a public hearing on September 17, 1970 (Notice 70-13, 35 FR 13470, August 22, 1970). On the basis of information received at that hearing and in response to the earlier notices, OPS issued Amendment 192-2 (35 FR 17335, November 11, 1970) to extend the cutoff date of the interim standards temporarily to maintain the required level of safety in those States requiring odorization of gas in transmission lines. The extension allowed additional time for OPS to study the safety benefits and problems of transmission line odorization. To provide time to evaluate the results of its study, OPS issued Amendment 192-6 (36 FR 25423, December 31, 1971), again temporarily extending the application of State law as Federal odorization standards for transmission lines.

A report of the study of odorization conducted by OPS is included in the docket for this proceeding. The study was based on contacts with interstate transmission operators, distribution operators, and State commissions experienced in the transportation of odorized gas in transmission lines.

It appeared to OPS, from the information provided by that study and the information in Docket No. OPS-3E, that limited odorization requirements and additional inspections might be warranted for transmission lines in populated areas. Therefore, on August 9, 1973, OPS issued Notice 73-2 (38 FR 22044, August 15, 1973) to begin this new rulemaking proceeding (Docket No. OPS-24) on odorization of gas in transmission lines. Accordingly, the interim standards were extended to provide time for completion of this proceeding. (Amdt. 192-7, 37 FR 17970, September 2, 1972; Amdt. 192-14, 38 FR 14943, June 7, 1973; Amdt. 192-15, 38 FR 35471, December 28, 1973; and Amdt. 192-16, 39 FR 45253, December 31, 1974)

In Notice 73-2, OPS discussed two main advantages to requiring odorization of gas in transmission lines: (1) Odorization allows the early detection of leaks in open air by the public; and (2) Without a requirement for odorization, high pressure gas transmission lines which run

parallel with distribution lines under streets may continue to be operated without odorization while the distribution lines must be odorized. The notice also discussed conclusions drawn by OPS from its study and other relevant information pertaining to various problems of transmission line odorization.

In addition to proposing that gas in transmission lines in Class 3 and Class 4 locations be odorized, Notice 73-2 was directed toward alleviating several problems and unjustifiable expenses associated with transmission line odorization. For example, the smallest traces of sulphur compounds included in gas odorants cause serious problems in some underground storage fields. Notice 73-2 proposed to exclude gas going to underground storage fields from any requirement for odorization. In addition, the notice proposed an exception for gas in Class 3 lines en route to a predominantly Class 1 or Class 2 location because of the apparently low ratio of safety benefit to cost in those areas. A further exception was proposed for gas in a Class 3 location which would be detrimental to an industrial process. Except for gas en route to underground storage, the Notice did not propose exceptions for Class 4 locations.

The comments submitted to Docket No. OPS-24 as a result of Notice 73-2 were, for the most part, statements of opinion. Commenters did not submit any new information which, in the opinion of OPS, would affect the validity of the conclusions discussed in that Notice. Nevertheless, in light of many comments, the proposal in Notice 73-2 is changed in the final rule as indicated in the following discussion.

Many comments to Notice 73-2 favored adoption of the rules as proposed. Others, however, suggested changes considered necessary in view of the cost and technical problems associated with odorizing gas in transmission lines. Still other comments restated conventional opinions that odorization does not enhance the detection of leaks in transmission lines and that normal odorization is ineffective in open air. On these latter points, OPS believes the record is clear—a large number of gas leaks, including leaks on transmission lines, have been detected by people smelling odorant in open air.

In consideration of several comments and the views of the Technical Pipeline Safety Standards Committee (TPSSC), the proposed exemption for gas in Class 3 locations en route to predominantly Class 1 or Class 2 locations is adopted, but modified in § 192.625(b)(1) to also apply to gas in similarly situated Class 4 locations. High costs are involved in odorizing gas in those situations, and as discussed in the notice relative to Class 3 locations, similarly situated Class 4 locations are relatively few. Hence, OPS believes that imposition of an odorization requirement for gas in Class 4 locations en route to predominantly Class 1 or Class 2 locations is not reasonably justifiable.

One commenter objected to the proposed odorization requirements because,

in accordance with § 192.9, they would apply to gas gathering lines as well as transmission lines. This commenter is correct that under Part 192 safety standards applicable to transmission lines also apply to gathering lines. Section 192.1(b) provides, however, that gathering lines outside certain populated areas are not covered by the standards. Indeed, they are exempt from the safety jurisdiction of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.) under which Part 192 is promulgated. The commenter did not substantiate why gathering lines in populated areas should not be subject to the same odorization standards as transmission lines. Therefore, following the precedent in Part 192 of subjecting gathering lines in populated areas to the standards for transmission lines, the comment was not adopted.

At some locations, liquid condensates in gas are extracted to provide dry gas for customers. The Interstate Natural Gas Association of America (INGAA) pointed out that these condensates are an important source of energy and that odorants in gas would render them undesirable to processors. Although the notice did not provide for this situation, under § 192.625(b)(2)(ii) the final rule exempts from the odorization requirement a transmission line used in transporting gas to a gas processing plant. As generally understood in the gas industry, a gas processing plant is a plant which removes liquefiable hydrocarbons or condensates from gas. As a result of the exception, condensates recovered at these plants may be further processed without detriment due to odorization.

While liquid condensates are also recovered from gas pipelines at locations other than gas processing plants, OPS believes that the volume of these condensates is not large enough to pose a major problem due to odorization.

Similarly, most water in gas is removed by dehydration plants near the point where gas is produced. Since the final rule only requires odorization in certain populated areas, most water will have been removed from the gas before it must be odorized. Nevertheless, commenters noted that dehydration plants may be located downstream from where odorization would be required. In such cases, an accumulation of odorant saturated water could pose a difficult disposal problem. In addition, because of the odorant, otherwise recoverable hydrocarbons would no longer be usable. Therefore, the final rule in § 192.625(b)(2)(iii) exempts from the odorization requirement a transmission line which transports gas to a dehydration plant. As discussed hereafter, the exemption only applies to gas in lines which transport unodorized gas before this amendment is issued.

In a further comment, INGAA noted that when large volumes of odorized gas are blown to the atmosphere during normal transmission line maintenance, the odorant could be annoying to the public. Also, INGAA asserted that if advance notice is given to prevent a false gas

leak scare, the lack of attention to gas odors could be potentially hazardous. OPS realizes that blow-downs involving odorized gas may create problems for the transmission operator, or nearby distribution operators. Yet, operators of transmission lines carrying odorized gas have been able to minimize any difficulties by scheduling blow-downs to avoid adverse weather conditions, by venting gas in remote areas where possible, and by adequate public warnings. Because the need for blow-downs is infrequent and they are of short duration, OPS believes that with proper planning no public annoyance or hazard should result.

INGAA also criticized the proposed odorization requirement as appearing to violate the Federal policies for protection of the environment evidenced by the air quality regulations of the Environmental Protection Agency in 40 CFR Part 52, the Federal Water Pollution Control Act, and the National Environmental Policy Act of 1969. INGAA did not substantiate its allegations. On the contrary, OPS believes that adoption of the proposed rules would not be violative, or lead to public violations, of the policies or substantive provisions of the cited environmental protection laws. This determination is based on the opinion that requiring odorization in certain transmission lines would not have a significant detrimental impact on air or water quality. The precise nature of air pollution due to gas odorants is uncertain. Furthermore, the opportunities for exposure of the atmosphere to gas odorants during blow-downs is infrequent and not sustained for long periods. Also, proper planning can minimize any adverse effects. As for water pollution, admittedly some pollution of hydrostatic test water by odorants may present a disposal problem. These occurrences should be minimal, however, due to the exceptions from required odorization provided by the final rule.

Commenters suggested that the final rule provide lead time for operators to comply with any new odorization requirements. OPS estimates that operators may need about 2 years to design, acquire materials, and build new odorization facilities required by the new rule. Therefore, under § 192.625(b), compliance is not required until January 1, 1977.

The proposed rule would have exempted gas en route to an underground storage field from the odorization requirements. Several commenters were concerned, however, that since the exemption did not apply to the transmission lines carrying the gas, odorization would still be required intermittently in the lines for gas going to distribution facilities. A transmission line used in transporting gas to underground storage is not necessarily used solely for that purpose. The same line may also be used, for example, to deliver gas to a distribution facility. If so, the frequent starting and stopping of odorizers on the basis of whether gas is being delivered to storage would create odorization problems for

distribution companies. Also, intermittent odorization would hamper the necessary stabilization of an odorant level in the transmission line. For these reasons, the wording in the final rule in § 192.625(b) is changed to exempt the pipeline, itself, rather than the gas, from the odorization requirement.

Another problem raised by commenters is that most lateral transmission lines serving distribution centers from interstate transmission lines are predominantly in Class 1 or Class 2 locations. In these cases, the terminal portion of a lateral line generally lies in a Class 3 or Class 4 location and under the proposed rule would have been subject to the odorization requirement. Because in most cases the segment of line to be odorized is short, commenters argued that the costs of installing and operating odorizers would far exceed the safety benefit. OPS agrees with these comments. The final rule, therefore, in § 192.625(b)(3) exempts odorization of gas in a transmission line used in transporting gas to a distribution center if 50 percent or more of the line is in a Class 1 or Class 2 location.

Although outside the scope of Notice 73-2, one commenter suggested that odorization be required in Class 1 and Class 2 locations as well as Classes 3 and 4. Classes 1 and 2 are areas of lower population density than Classes 3 and 4. OPS believes that any requirement for odorizing gas in transmission lines is most economically practicable in Classes 3 and 4 because of the greater risk in those areas. Perhaps more important, the requirement for odorization of gas in transmission lines is less reasonable where fewer people are available to smell an odor, as in Classes 1 and 2.

Section 192.625(b)(3) in the notice proposed to exempt odorization of gas in a Class 3 location where the odorant would be detrimental to an industrial process. One commenter noted that the same rationale for the proposed exemption also applies in Class 4 locations. OPS concurs: Odorization of gas destined for industrial processes in Class 4 locations may be just as detrimental as in Class 3 locations. In addition to adopting this comment, the proposed exemption is restated in § 192.625(b)(2)(iv) in more precise and restrictive terms. To exempt an entire transmission line from odorization based on the indefinite test of whether the odorant is "detrimental" to an industrial process, would result in a rule difficult to apply and enforce. As restated, the exemption applies where the presence of an odorant in an industrial process makes the end product unfit for the purpose for which it is intended, reduces the activity of a catalyst, or reduces the percentage completion of a chemical reaction. OPS believes that these criteria provide the same exemption as that intended by use of the term "detrimental" in the notice.

In the final rule, all the exceptions provided by § 192.625(b)(2) are limited to situations existing when this amendment is issued. As written, the exceptions are grandfather clauses which alleviate

some of the technical problems and economic hardships associated with odorizing gas in transmission lines under existing circumstances. Also, by so limiting the exceptions, operators cannot provide new service to a storage field or certain plants and thereby avoid odorizing a line. OPS believes that with adequate planning, economic hardships associated with the new requirement for odorizing gas in transmission lines should be less for circumstances arising in the future. OPS realizes that similar technical problems relevant to odorizing gas in current situations may occur, for example, if a new industrial plant is added to an existing or new transmission line. Nevertheless, OPS prefers to deal with these problems on an individual basis in the waiver process under section 3(e) of the Natural Gas Pipeline Safety Act of 1968 when petitioned to do so. Waivers may be granted upon a petition showing that required odorization is inappropriate or of unreasonable application and if the waiver would be consistent with pipeline safety.

In addition to odorization, the notice proposed increased surveillance requirements for transmission lines carrying unodorized gas and for transmission lines in Class 3 and Class 4 locations. Regarding the proposed § 192.705, one commenter stated that improved safety could be achieved by allowing each operator to establish its own frequency of patrol rather than specifying maximum intervals between patrols. OPS believes a patrolling requirement must be flexible enough to allow for individual situations but also contain mandatory inspection periods to provide a minimum level of safety regardless of an operator's system. Section 192.705(b) considers individual situations by requiring more frequent inspections based on factors relevant to an operator's system.

Another commenter objected to the proposed time interval requirements for surveillance as being burdensome and costly. OPS does not agree. The notice proposed a refinement of the existing rule which is based on operating conditions. For example, the existing § 192.705 requires operators to examine transmission lines at highway and railroad crossings more frequently than elsewhere. The final rule merely establishes minimum periods for inspection at those locations. Also, OPS believes that any additional costs some operators may encounter are justified by the additional protection that will be afforded the public in the Class 3 and Class 4 areas.

A number of commenters and the TPSSC objected to the proposed requirement in § 192.706 that operators conduct gas detector surveys under their leakage survey plans. Generally, these objections were that requiring the use of gas detectors would unnecessarily restrict an operator's flexibility in conducting a leakage survey and that other methods of conducting leakage surveys are satisfactory.

OPS does not agree with these objections. Gas detector surveys were proposed under § 192.706 to provide a compensatory measure of protection for the

public where transmission lines carry unodorized gas in Class 3 and Class 4 locations and to provide added protection in Class 4 locations even when gas is odorized. In the opinion of OPS, to conduct leakage surveys without using detector equipment would not yield a level of safety comparable to that provided by odorization of gas. In light of the comments, however, the final rule does not require the use of detector equipment in Class 4 locations where transmission lines carry odorized gas. Also the term "gas detector" is changed to "leak detector" in the final rule to better identify and broaden the range of equipment that may be used.

OPS considers the use of leak detection devices to provide the most satisfactory means of protection in the absence of odorization for the following reasons. Without instruments, gas leaks are detected by sight, sound, smell, or by dying vegetation. However, most leaks are not visible or audible, and without an odorant natural gas cannot be detected by smell. It follows that observing vegetation is the only reasonable alternative to using gas detectors in conducting leakage surveys. At the same time, observing vegetation is not always effective. The effect of a gas leak on vegetation is only noticeable during the growing season; and a leak must exist for a long time to have a noticeable effect on vegetation. Further, many areas subject to the exceptions under § 192.625(b) from odorizing gas in transmission lines have a large amount of pavement and a sparse amount of vegetation. For these reasons, a requirement for using detector equipment is adopted.

In light of other comments, OPS wants to point out that neither § 192.705 nor § 192.706 specifies how patrols or leakage surveys are to be accomplished. The rules are written in performance language. Thus, for example, both aerial patrols and aerial leakage surveys would be acceptable where they are appropriate and effective.

Report of the Technical Pipeline Safety Standards Committee. Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each proposal." This amendment to Part 192 was submitted to the Committee as Item 5 in a list of five proposed amendments.

On January 17, 1975, the Secretary of the Committee, Louis W. Mendonsa, filed the following favorable report:

The following letter and attachments represent an official report by the Technical Pipeline Safety Standards Committee concerning the Committee's action related to five proposed amendments to 49 CFR Part 192, Minimum Federal Safety Standards for Transportation of Natural and Other Gases by Pipeline.

The Committee reviewed the proposals of the Office of Pipeline Safety at a meeting held in Washington, D.C., on October 30 and

31, 1974, and through an informal balloting procedure recommended certain modifications, some of which were acceptable to the Office of Pipeline Safety. A formal ballot, reflecting the suggested changes, was prepared and distributed to the Committee members, by the undersigned on December 5, 1974.

Formal ballots have been submitted by all fourteen members of the Committee. The majority of the Committee approved all five items on the ballot as being technically feasible, reasonable, and practicable. Negative votes were cast by one member against Items 1, 2, and 3, by two members against Item 4 and by four members against Item 5. Another member, who had been unable to attend the meeting and participate in the discussions, abstained from voting.

Attachment A sets forth the minority opinions submitted in support of the negative votes on Items 4 and 5.

As a member of the Committee, Mr. Mendonsa also expressed the following minority view, disagreeing with the majority of the Committee on Item 5:

It is my view that the proposed change to § 192.625 is neither reasonable nor in the public interest. The proposed change will reduce rather than enhance public safety.

A second minority view was stated by Michael W. Anuskiewicz, as follows:

One of the major arguments of transmission companies opposing odorization of gas in transmission lines is the tremendous cost of the facilities required. The argument of such companies is self serving in that it does not consider the ill effects of real societal expenses.

If one supposes that transmission companies were to stop odorization, then (sic) each distribution company now receiving odorized gas would have to add odorization facilities at their own expense. This expense will of course be passed on to the consumer. It is obvious that cost effectiveness must suffer from a proliferation of such smaller units when considerably fewer more effective larger units can do the job better. This argument also does not consider the safety benefits obtained from maximizing the odorization of transmission pipeline gas. It would appear in fact that this argument is intended to minimize the odorization of such gas.

In respect to the proposed § 192.625(b) (2) (ii) a large high pressure transmission line could traverse a major metropolitan area, New York City or its suburbs, for example, continue through sparsely settled areas in New England for perhaps 150 miles, and if over 75 miles of this extension were in Class 1 or Class 2 locations no odorization would be required in the metropolitan area. If, on the other hand the line terminates in a Class 4 area, such gas must be odorized at that point. The logic of the rule as now proposed escapes us.

Nor is odorization required under § 192.625(b) (3) (iv) where gas is supplied to an industrial plant using the gas in a process to which an odorant is detrimental. Such a plant in the Boston, Massachusetts, or the Portland, Maine, area could effectively eliminate the need of odorization in transmission lines from Texas and Louisiana and throughout the entire Northeast, regardless of class locations traversed.

At least six states (shall we say the more progressive ones?) have required odorization of transmission line gas for many years. Such gas has been served to many types of industry with no ill effects. Moreover, if the required gas were served off a distribution line, the industrial plant would have no choice but to receive odorized gas, in some cases at a higher

level than the minimum specified in 49 CFR Part 192.

For the foregoing reasons, we have voted to disapprove Item 5 as submitted.

A third minority view, stated by W. L. Walls, is set forth below:

My objection is to proposed § 192.625(b) (3) (iv) which would exclude transmission line odorization if one industrial plant supplied from it had one process in which the presence of the odorant was objectionable. I suspect this alone would result in no odorization for most transmission lines.

Such cases, however, are relatively rare and I feel the plant should bear the cost of odorant removal or concentration reduction rather than lose the safety benefits of general odorization.

The fourth Committee member to express a minority view, George W. White, concurred with the majority as follows:

After personal review and analysis of the OPS survey of state commissions, transmission operators and distribution operators, I am not convinced that odorization of gas in a transmission line will significantly contribute to the detection of leaks. However, based upon the necessity of establishing a permanent rule with uniform requirements throughout the United States and to discontinue the extension of the temporary rule each year, I feel that the proposed rule is reasonable and a practical answer to the problem, and as such I concur with the proposal.

Effective date. Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 requires that standards and amendments thereto prescribed under the Act be effective 30 days after the date of issuance unless the Secretary determines good cause exists for an earlier or later effective date as a result of the period reasonably necessary for compliance. Accordingly, the amended § 192.625, 192.705, and the new § 192.706 will become effective 30 days after issuance. This effective date is not relevant, however, under § 192.625 to the odorization of gas in transmission lines in Class 3 or Class 4 locations. As discussed hereinabove, in view of the period necessary to bring transmission lines in those locations into compliance, the revised requirements do not become applicable until January 1, 1977. Meanwhile, leakage surveys using leak detector equipment must be conducted under § 192.706 as an alternative safety measure except where gas is odorized under § 192.625(g).

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows, effective June 4, 1975:

1. In § 192.625, paragraphs (a) and (b) are revised to read as follows:

§ 192.625 Odorization of gas.

(a) A combustible gas in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell.

(b) After December 31, 1976, a combustible gas in a transmission line in a Class 3 or Class 4 location must comply with the requirements of paragraph (a) of this section unless—

(1) At least 50 percent of the length of the line downstream from that location is in a Class 1 or Class 2 location;

(2) The line transports gas to any of the following facilities which received gas without an odorant from that line before May 5, 1975;

- (i) An underground storage field;
- (ii) A gas processing plant;
- (iii) A gas dehydration plant; or
- (iv) An industrial plant using gas in a process where the presence of an odorant—

(A) Makes the end product unfit for the purpose for which it is intended;

(B) Reduces the activity of a catalyst;

or
(C) Reduces the percentage completion of a chemical reaction; or

(3) In the case of a lateral line which transports gas to a distribution center, at least 50 percent of the length of that line is in a Class 1 or Class 2 location.

2. In § 192.705, paragraph (a) is amended, paragraph (b) is revised, and paragraph (c) is deleted. As amended, § 192.705 reads as follows:

§ 192.705 Transmission lines: Patrolling.

(a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.

(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:

Class location of line	Maximum interval between patrols	
	At highway and railroad crossings	At all other places
1, 2	6 months	1 year
3	3 months	6 months
4	do.	3 months

3. Section 192.706 is added to read as follows:

§ 192.706 Transmission lines: Leakage surveys.

(a) Each operator of a transmission line shall provide for periodic leakage surveys of the line in its operating and maintenance plan.

(b) Leakage surveys of a transmission line must be conducted at intervals not exceeding 1 year. However, in the case of a transmission line which transports gas in conformity with § 192.625 without an odor or odorant, leakage surveys using leak detector equipment must be conducted—

(1) In Class 3 locations, at intervals not exceeding 6 months; and

(2) In Class 4 locations, at intervals not exceeding 3 months.

4. In the table of contents, § 192.706 is added to read as follows:

Sec. 192.706 Transmission lines: leakage surveys.

This amendment is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672) § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on May 5, 1975.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.75-12238 Filed 5-8-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Nantucket National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period May 15, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

NANTUCKET NATIONAL WILDLIFE REFUGE

Entry by foot, motor vehicle, or boat is permitted during daylight hours for the purposes of nature study, photography, hiking, shell collecting, shell fishing, and surf fishing.

Registered over-the-sand vehicles are permitted on designated sand trails and on the open ocean beach. Vehicle permits will be required and may be obtained from The Trustees of Reservations, Coskata-Coutue Wildlife Refuge Manager. All over-the-sand vehicle permit requirements and regulations promulgated by The Trustees of Reservations for the Coskata-Coutue Wildlife Refuge will be applicable.

The refuge area, comprising 40 acres, is delineated on maps available from the Refuge Manager, Ninigret National Wildlife Refuge, P.O. Box 307, Charlestown, Rhode Island 02813, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

MAY 2, 1975.

[FR Doc.75-12223 Filed 5-8-75;8:45 am]