

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given of a proposal to amend § 993.159 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR Part 993). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal was unanimously recommended by the Prune Administrative Committee to provide certain additional payments to handlers for expenses incurred by them in holding reserve prunes for the account of the Committee. Such payment would be pursuant to § 993.59. Section 993.159 currently provides for the payment of handlers for costs incurred by them in connection with, but not limited to, inspection, receiving, storing, grading, and fumigation of reserve prunes. The additional payments proposed herein are to compensate handlers for expenses incurred by them when they are directed by the Committee to move and dump containers of reserve prunes for inspection purposes and the handler continues to hold the prunes following inspection. The Committee concluded that a rate of \$2.50 per ton (natural condition weight) for such services is reasonable. Other additional payments proposed are to compensate handlers for costs (storage, necessary fumigation, bin rental, insurance) incurred in holding reserve prunes for the account of the Committee beyond the end of the crop year in which such prunes are received from producers or dehydrators. The proposal also includes deletion of obsolete wording from § 993.159.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Revise the first two sentences of paragraph (a) of § 993.159 to read as follows:

(a) *Rate of payment for necessary services.* Each handler shall, with respect to reserve prunes held by him for the account of the Committee pursuant to § 993.57, be paid at the rate of \$25 per ton (natural condition weight) for necessary services rendered by him in connection with such prunes so held during all or any part of the crop year in which the prunes were received from producers or dehydrators. Such amount shall, together with the additional payments, as applicable, provided in this section, be in full payment for the costs incurred in connection with but not being limited to, the following services: Inspection, receiving, storing, grading, and fumigation. * * *

2. Amend paragraph (b) by revising the last sentence in that paragraph to read: "The Committee shall reimburse the handler for the actual costs of such insurance."

3. Redesignate paragraph (c) as paragraph (d) and add a new paragraph (c) reading as follows:

(c) *Certain additional payments in connection with the holding of reserve prunes for the committee.* (1) Whenever a handler is directed by the committee to move and dump containers of reserve prunes held by him for the account of the committee for the purpose of causing an inspection to be made of the prunes, as provided in § 993.75, but without taking delivery of the prunes at that time, the handler shall be paid for such services at the rate of \$2.50 per ton (natural condition weight).

(2) Commencing with 1968-69 crop year reserve prunes, each handler holding reserve prunes for the account of the committee beyond the end of the crop year in which such prunes were received from producers or dehydrators shall be paid as follows:

(i) For storage and necessary fumigation:

(a) \$2 per ton during all or any part of the first 3 months of the succeeding crop year;

(b) \$1 per ton during all or any part of the second 3 months of the succeeding crop year;

(c) 25 cents per ton during all or any part of the third 3 months of the succeeding crop year; and

(d) 25 cents per ton during all or any part of the fourth 3 months of the succeeding crop year.

(ii) \$3 per ton for bin rental during all or any part of the succeeding crop year;

(iii) For insurance as prescribed in paragraph (b) of this section.

4. Add a new paragraph (e) reading as follows:

(e) *Authorized payment.* Payments authorized hereunder shall be made to the handler required to hold in his pos-

session or under his control the quantity of prunes necessary to meet his reserve obligation pursuant to § 993.57, and only to the extent of the quantity so held.

Dated: November 17, 1969.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-13872; Filed, Nov. 20, 1969;
8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 69-3, Docket No. OPS-3]

GAS PIPELINES

Minimum Federal Safety Standards

The Department of Transportation is developing proposals for the comprehensive minimum Federal safety standards for the transportation of gas and pipeline facilities, as required by section 3(b) of the Natural Gas Pipeline Safety Act of 1968. This notice is the first step in the rule making process that will result in the establishment of these standards to replace the interim Federal safety standards now in effect.

The Natural Gas Pipeline Safety Act required the Secretary of Transportation to establish the interim Federal standards within 3 months by adopting the State standards in effect on August 12, 1968. The interim standards were issued as Part 190 of Title 49 of the Code of Federal Regulations on November 7, 1968.

At that time, the Department asked for comment on the advisability of adopting the safety code most widely used by the industry (United States of America Standards Institute Standard Code for Pressure Piping—Gas Transmission and Distribution Systems—USAS B31.8, 1968 edition, referred to hereinafter as the B31.8 Code) as the minimum Federal standards. In addition to the comments received, the Office of Pipeline Safety has sought and considered information and suggestions from several other sources. These included changes under consideration by the USASI B31.8 Code Committee, recommendations of a committee from the National Association of Regulatory Utility Commissioners, and a comparative review of State standards. After considering the information received and consulting with the Technical Pipeline Safety Standards Committee, the Department has decided that the present State standards are the best source for the minimum Federal standards. Since all States that have adopted their own

standards have based them on the B31.8 Code, the proposed Federal standards will also be very similar in substance to that document although many changes in form, style, and language will be made. Since the B31.8 Code is readily available and well understood in the gas pipeline industry, this similarity will permit extensive use of the Code as a reference document in discussing these proposals. However, in adopting their standards, many States have added requirements to strengthen and improve the B31.8 Code. The Department has evaluated these additional requirements and many are being incorporated in the proposed Federal standards for the same reasons.

Due to the length and complexity of the State standards and the Code upon which they are based, the task of converting them into a Federal regulation will require a substantial amount of time to accomplish properly. In the meantime, in order to expedite the rule making process so as to meet the August 12, 1970, date specified in the statute and still provide adequate time for analysis and preparation of comments, the proposed standards will be issued in more than one notice of proposed rule making. This first notice proposes the added requirements that are presently contained in one or more State standards and which exceed the requirements of the B31.8 Code. Since these particular requirements are not universally applicable to the industry, evaluation of their significance will require additional time for most interested persons. These proposals are described in detail but are not set forth in specific regulatory language. This notice will enable interested persons to begin developing their comments on the proposed Federal standards. Subsequently, a series of supplementary notices of proposed rule making containing the specific regulatory language will be issued for evaluation and comment by interested persons. Each one of these supplementary notices will cover a particular area such as welding, maintenance, testing, etc., and each will allow from 60 to 90 days from date of issue for further preparation and actual submission of written comments.

The Department recognizes that there are some areas, such as uprating, corrosion control, and pipeline marking, wherein the existing State standards could be substantially improved. However, changes of this type might unduly complicate the proposals and thereby delay the establishment of the first minimum Federal standards. In addition, the problems and possible solutions in these areas of needed improvement are not sufficiently well defined to permit the making of specific regulatory proposals in this rule making proceeding. The additional study that is required to accomplish this would also result in some delay. Therefore, these proposals will consist of only the existing State standards with those substantive changes as appear necessary. In the meantime, the Department will study and resolve these problems and will initiate separate rule making proceedings to include these needed improvements subsequent to establish-

ment of the minimum Federal standards.

One significant change from existing State standards that is considered necessary is new definitions for class locations. The present definitions for Class 3 and Class 4 areas are too vague to be used as Federal standards. This subject, together with the related subject of the population density index, is presently under study and when the specific regulations are proposed in a subsequent notice, new definitions of class locations will be included.

Effective date of proposed regulations. No effective date is proposed for the various requirements contained in this notice of proposed rule making. Industry would need a reasonable period of time, probably no less than 120 days, to comply with most of the proposed requirements. Some requirements, particularly those relating to design and construction, may require longer lead time. It is probable that the proposed requirements will be made applicable on a phased basis. For example, the operation and maintenance subpart could apply within 120 days while the construction subpart could be delayed for 180 days after adoption. Comments should suggest practical effective dates for the various requirements, indicating the problems that would arise from early compliance and the time required to solve those problems.

Cost/benefit determination. In evaluating these proposals, commenters should bear in mind that every safety regulation has a cost factor, either a direct purchase and operation cost or an indirect cost resulting from operating at less than maximum efficiency. Every safety regulation (if it is justified) also has a benefit factor, the increase in safety to the public and a less noticeable but definable benefit to the pipeline operator in reducing his casualty losses and damage claims to some extent. Although the cost of complying with a regulation (cost to the operator less benefit to the operator) is initially borne by the pipeline operator, this cost is ultimately paid by the public in the higher cost of the delivered product. Thus, from the point of view of the regulatory agency, the cost/benefit determination is whether the safety benefit to the public justifies the monetary cost of compliance to the public. For this reason, the proposals described herein should be evaluated as to cost and benefits. When comments on the specific regulations are submitted, these factors should be discussed fully. The information resulting from these cost/benefit determinations will be most helpful in making decisions with respect to particular proposals.

Proposed minimum Federal standards. The following are the significant provisions of the State gas pipeline safety standards that are not presently contained in the B31.8 Code—1968 but which are hereby proposed for inclusion in the minimum Federal standards. Existing requirements that are referred to are those set forth in the B31.8 Code which was the basis for all State standards. Included with each proposal are questions which should be considered and discussed

when comments are submitted. The responses to these questions, together with the cost/benefit information requested above, will be significant factors in determining the content of the minimum Federal standards.

Welding. Pipeline systems that are to operate at 20 percent or more of specified minimum yield strength (SMYS) would require visual inspection in addition to nondestructive testing. There would be a requirement for 100 percent nondestructive testing of these lines in (1) Class 3 and 4 locations, (2) within railroad or public highway rights-of-way, including tunnels, (3) at tie-ins, (4) at overhead road crossings, and (5) whenever welds are repaired. The testing percentage for Class 1 and 2 locations would remain the same. When conducting nondestructive testing on these lines, each welder's work would be sampled to at least the same percentage as the overall nondestructive testing requirement for the area. All welds tested would be tested over their entire circumference. There would no longer be an option of testing an equivalent length of welds over a part of the circumference.

Records would have to be retained for the life of the facility showing the number of welds made, the number nondestructively tested, the number of rejects, and the disposition of the rejects. In addition, detailed records of testing, including exposed X-ray film, be retained for 3 years after construction.

In discussing these proposals, commenters should provide the following information. Describe the problems in determining that each welder's work is sampled to the percentage required. Should the percentage be based on completed welds or on length of welds? Would it be sufficient to assure that each welder is checked each day and eliminate the fixed percentages? Does a requirement to test the entire circumference present any different problems on larger pipe than on smaller and if so, at what point do these differences become significant? How difficult would 100 percent testing be in Class 3 and 4 locations? What percentage of welds are nondestructively tested today in these locations? As nearly as possible, provide additional cost figures for 90 percent and 95 percent testing in these locations. Specify any problems associated with testing all tie-in welds. What is the present practice as to retention of nondestructive testing records?

Initial test requirements. Strength-proof testing requirements for pipelines and mains that are to operate at 30 percent or more of SMYS would be modified as follows: (1) Minimum test pressure in Class 3 or 4 locations would be 150 percent of maximum operating pressure; (2) test pressure would have to be held for at least 24 consecutive hours after stabilization; (3) exceptions that permit air testing of these pipelines and mains in Class 3 or 4 locations would be eliminated; (4) the test medium would have to be disposed of in a manner that is not detrimental to the environment. Pipelines or mains to be operated at less

than 1 p.s.i. would have to be tested to at least 10 p.s.i. and those operated at more than 1 p.s.i. would be required to be tested to at least 100 p.s.i. Pipelines and mains with a coating capable of sealing a leak would be tested to at least 125 p.s.i.

With respect to these proposals, discuss the difficulties that might result from eliminating air testing in Class 3 and 4 locations. Would test equipment now in use be able to meet these requirements? Is 125 p.s.i.g. test pressure sufficient to determine whether the coating is sealing a leak?

Bends, elbows, and miters. On pipelines and mains operated at a hoop stress of 30 percent or more of the specified minimum yield strength, bends would not be made within 1½ pipe diameters of a circumferential weld. In addition, miter bends that produce an angle of 3° or more would not be permitted on these pipelines and mains.

Can bends be made closer than 1½ pipe diameters to the circumferential weld without having a detrimental effect on the weld? If so, are there any special methods or techniques that should be used?

Cover requirements. The cover requirements for buried distribution mains would be increased to a minimum of 30 inches. However, whenever a local law or regulation (either a State or subdivision thereof) required distribution mains to be placed in a common trench with other utilities, the local requirements would govern the depth of cover. Buried transmission pipelines would have to be installed with a minimum cover as set forth in the following table:

Location	Cover in inches	
	Normal excavation	Excavation of rock by blasting
Class 1 Locations.....	30	18
Class 2, 3, and 4 Locations..	36	30
Drainage ditches of public roads and railroad crossings.....	36	36

These minimums would apply to all types of materials. All other cover requirements remain unchanged.

These proposals are intended to provide additional safety for buried pipelines and mains to reduce the risk of damage by external forces. Does increased depth contribute significantly towards reducing this risk? What other industry practices are used today? Are there any other methods that could be used to minimize damage from external forces and if so, how do they compare in relative cost effectiveness?

Underground clearance. The underground clearance required between buried pipelines or mains and other underground structures would be raised from present requirements of 6 inches for

pipelines and 2 inches for mains to 12 inches for both. If this clearance were not attainable, other protective measures would have to be taken. Additional clearance would still be required for plastic piping near sources of heat.

Cast iron pipe. Bell and spigot joints would be prohibited both in new construction and the reinstallation of used pipe, unless these joints were clamped with mechanical clamps or otherwise reinforced or reconditioned. Threaded cast iron joints would be prohibited in both new construction and reinstallation of used pipe.

In cast iron pipe 6 inches in nominal diameter or smaller, threaded taps would be prohibited unless they are (1) reinforced taps, (2) existing taps that are free of cracks and have good threads, or (3) taps that are used for gas control equipment and are closed after use by means of a threaded plug or reinforcing sleeve. In cast iron pipe larger than 6 inches nominal diameter, threaded taps would have to be reinforced with sleeves if the taps are larger than 25 percent of the nominal diameter of the pipe. How much and what sizes of threaded cast iron pipe are presently in operation?

Pressure control and relief. Low pressure distribution systems would be required to maintain a minimum operating pressure high enough for the safe and continuous operation of any properly adjusted low pressure gas burning equipment that is connected to the system. Discuss low pressure service interruptions with reference to causes, adverse effects, and other possible solutions, and indicate the number of customers affected by such interruptions during the past year.

When more than one pressure regulating station or compressor station feeds into a pipeline or distribution system, each such station would be required to have a relief valve or other protective device installed to insure that the complete failure of the largest capacity regulator or compressor, or any single run of lesser capacity regulators or compressors, in that station, would not impose pressures on any part of the pipeline or distribution system in excess of those that it was designed for or that it is protected against, whichever is lower. In low pressure distribution systems, relief valves or other pressure limiting devices would have to have the capacity to limit the maximum pressure in the mains to 2 p.s.i.g. Supports for pressure relief or pressure limiting devices would have to be made of noncombustible materials.

Is relief capacity of 100 percent of the capacity of the largest single source of supply in a regulator station or compressor station sufficient to protect a distribution or pipeline system or should a larger relief capacity be required?

All pressure limiting and pressure regulating stations, other than house

regulators, and all relief valves would have to be inspected and tested at least once a year. If the capacity of a relief valve cannot be tested in place, an annual review and calculation of the required capacity of the relieving equipment at that station could be made in lieu of testing. Is annual inspection and testing sufficient to insure safe operation of this equipment?

Upgrading. Present standards do not require leakage surveys when qualifying existing steel pipelines or mains for higher operating pressures that will produce a hoop stress of 30 percent or more of SMYS. When qualifying for increased pressures of less than 30 percent on steel pipelines, mains, and distribution systems and all plastic pipe distribution systems, leakage surveys are required only if past maintenance records indicate that such a survey is advisable. These proposals would require that a leakage survey must be conducted before upgrading any part of a pipeline system and further, that all leaks discovered must be repaired before the higher pressures are applied.

Discuss present practices as to if, when, and how leakage surveys are made, with some emphasis on techniques and instruments used.

Odorization. Operators would be required to odorize gas in transmission systems as well as in distribution systems. Gas en route to storage fields would be exempt from this requirement. Have any leaks been discovered as a result of odorant being added to transmission lines? If so, how many and under what circumstances? What effect does the loss of odorant in the line have on the pipeline system? What effect does odorization of gas have on industrial users?

Interested persons should begin to develop their comments on the proposals and questions contained in this notice. However, since it is the Department's intention to propose specific rules for public comment at a later date, comments should not be submitted until that time. When specific rules have been proposed, comments should be submitted in accordance with directions set forth with those specific proposals.

This notice is issued pursuant to the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on November 14, 1969.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

[F.R. Doc. 69-13850; Filed, Nov. 20, 1969; 8:46 a.m.]