

Air carrier aircraft station. An aircraft station on board an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

Private aircraft station. An aircraft station on board an aircraft not operated as an air carrier, or an aircraft station that has been licensed pursuant to § 87.29(a) (4) as a private aircraft station on board an air carrier weighing less than 12,500 pounds, maximum certified takeoff gross weight.

2. Section 87.29(a) is amended by adding a new subparagraph (4) as follows:
 § 87.29 Application for aircraft radio station license.

(a) * * *
 (4) A station on board an air carrier aircraft weighing less than 12,500 pounds, maximum certified takeoff gross weight, may at the option of the applicant, be licensed as a private aircraft station, even though actually engaged in air carrier operations.

[F.R. Doc. 70-15203; Filed, Nov. 10, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192-1; Docket OPS-3]

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

Odorization of Gas

The purpose of this amendment is to keep in effect, in those States now requiring the odorization of gas in transmission lines, the interim minimum Federal safety standards that apply to the odorization of gas, for a period of time ending not later than January 1, 1972. This will allow time for the resolution of problems still remaining with regard to gas odorization requirements in those States. In all other States, the odorization of gas will be governed by the new minimum Federal safety standards.

Section 192.625 of the new Federal gas pipeline safety standards (35 F.R. 13248, Aug. 19, 1970) requires odorization of combustible gases in mains and service lines. However, the notice of proposed rule making published on April 2, 1970 (35 F.R. 5482); proposed to also require the odorization of gas in transmission lines. This proposal was based on a requirement that presently exists in the States of California, Connecticut, New Hampshire, New York, New Jersey, Massachusetts, Rhode Island, and Vermont. Since the comments received on the original notice were almost unanimously opposed to the odorization of gas in high pressure transmission lines, a supplemental notice was issued on June 10, 1970, requesting additional comments and information. (Notice 70-11; 35 F.R. 9293, June 13, 1970.)

The comments received on the June 10 notice also generally opposed the proposal. These comments argued that difficulties in regulating and maintaining the required level of odorant would result, that odorants used by transmission companies and distribution companies might be incompatible, that removal of odorant from supplies to customers who must have unodorized gas is difficult and costly and creates disposal problems, that highly corrosive sulphur compounds in odorants precipitate out of the gas stream as liquids and cause internal corrosion, and that it is often impossible to separate gas destined for underground storage (which would have been excepted from the proposed odorization requirement) from gas destined for the market.

However, the States named above that now require odorization in transmission lines urged that the requirement be adopted as originally proposed. These States indicated that their experience with the odorization of gas in transmission lines did not support the objections that had been listed in the supplemental notice, and maintained that since many high-pressure transmission lines are located in highly populated areas, often very close to buildings used as dwellings, schools, and places of assembly, and since the use of odorant is still one of the most effective means of early detection of leaks in gas facilities, its use should be required in all facilities transporting or distributing gas.

Since the information received on the notice was conflicting and inconclusive, the minimum Federal safety standards were issued without the requirement for odorization of gas in transmission lines and the Office of Pipeline Safety conducted an informal public hearing on September 17, 1970, to determine the advisability of further action. The notice of hearing (Notice 70-13; Docket No. OPS-3E, 35 F.R. 13470, Aug. 22, 1970) stated that such further action might include temporary extension of the interim standards.

On the basis of the information received on the notice and at the hearing, the Department has concluded that it should retain the requirement for odorization of gas in § 192.625, as adopted, and not require odorization in transmission lines. However, little specific information was submitted at the hearing on the actual effect of § 192.625, as issued in August, on those States whose interim standards required odorization in transmission lines. The Department wishes to determine how many distribution companies in those States will be affected by the elimination of the requirement, the extent of the additional action that must be undertaken by them, the length of time it will take them to assume these new functions, and the costs. It also desires to make a more thorough evaluation of the safety benefits of transmission line odorization.

In order to allow sufficient time for the resolution of these problems, the interim standards for odorization of gas transmission lines, in each State now requiring that odorization, will be extended

until January 1, 1972, or until the date upon which the distribution companies in that State have actually taken over the odorization of gas in mains and service lines in accordance with the requirements of § 192.625, whichever is earlier. Until that time, gas in transmission lines must continue to be odorized in those States. In all States other than those now requiring odorization of gas in transmission lines, the interim standards applying to odorization will be revoked when the new minimum Federal safety standards become effective on November 12, 1970.

Although section 3 of the Natural Gas Pipeline Safety Act of 1968 provides that no State agency may adopt or continue in force additional or more stringent standards applicable to interstate transmission facilities after the Federal safety standards become effective, the Federal standards are minimum standards and an operator may voluntarily exceed them. Thus, after January 1, 1972 (or the earlier date, if applicable), in those States where transmission companies are equipped to odorize their lines, and actually do so at the present time, they may continue to do so, even in the absence of Federal requirements.

Since the regulatory provisions that are affected by this amendment will become effective on November 12, 1970, and since this amendment will impose no additional burden on any person, I find that notice and public procedure thereon are not necessary and that good cause exists for making it effective on less than 30 days' notice.

This amendment is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. section 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).

In consideration of the foregoing, § 192.625 of Title 49 of the Code of Federal Regulations is amended by revising paragraph (a), and by adding a new paragraph (g), to read as follows:
 § 192.625 Odorization of gas.

(a) Combustible gases in mains and service lines must be odorized as provided in paragraphs (b) through (f) of this section.

(g) The odorization requirements of Part 190 of this chapter, as in effect on August 12, 1970, must be complied with, in each State in which odorization of gas in transmission lines is required by that part, until the earlier of the following dates:

- (1) January 1, 1972; or
- (2) The date upon which the distribution companies in that State are odorizing gas in accordance with paragraphs (a) through (f) of this section.

Issued in Washington, D.C., on November 6, 1970.

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

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