

**DEPARTMENT OF  
TRANSPORTATION**

**Office of Pipeline Safety**

**[Docket No. Pet. 74-14W,  
Waiver No. 6]**

**MICHIGAN WISCONSIN PIPE  
LINE CO.**

**Grant of Waiver**

Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (18 U.S.C. 1672(e)) authorizes the Secretary of Transportation, after notice and opportunity for hearing in accordance with the Administrative Procedure Act, 5 U.S.C. 553, to waive compliance with any safety standard established under the Act. This authority is delegated to the Director, Office of Pipeline Safety (OPS) (49 CFR Part 1).

By petition dated September 20, 1974, the Michigan Wisconsin Pipe Line Company requests a waiver from compliance with 49 CFR 192.65. Section 192.65 provides that pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, and transported by railroad after November 11, 1970, may not be used in a gas pipeline to be operated at a hoop stress of 20 percent or more of specified minimum yield strength unless that transportation was performed in accordance with the American Petroleum Institute document API RP5L1. The regulations in 49 CFR Part 192 currently incorporate by reference the 1967 edition of API RP5L1.

The petitioner has begun a construction program in Michigan, Indiana, and Illinois. It wishes to use approximately 67 miles of 42-inch steel pipe to be transported by rail in 80-foot lengths in compliance with the 1972 edition of API RP5L1, instead of the 1967 edition.

The 1967 edition of API RP5L1 prohibits pipe overhang of more than 5 feet, or one-half the distance between intermediate bearing strips, whichever is larger. As a result, double-jointed pipe (80-foot lengths) transported after November 11, 1970, on 52-foot railroad flatcars may not be used under section 192.65 because the overhang on each end is approximately 14 feet.

In support of its request, the petitioner alleges that the use of 80-foot lengths of pipe will result in a substan-

tial cost savings due to a reduction of the required number of field welds. Further, the Canadian Pacific Railway, which serves the pipe manufacturer involved, cannot transport 80-foot lengths of pipe in conformity with the 1967 edition because flatcars long enough for this purpose are not available. The 80-foot pipe, however, may be transported under the 1972 edition on the commonly available 52-foot flatcars with the addition of idler cars.

The 1972 edition of API RP5L1 was developed to provide for the loading and transportation of long pipe on short railroad flatcars. OPS believes that the requirements of this edition provide for the shipment of long pipe without damage. In fact, OPS has granted two waivers from compliance with §192.65, conditioned upon meeting the requirements contained in the 1972 edition and upon performing certain inspections and tests (Docket OPS-8, 36 FR 8168, April 30, 1971, and Docket OPS-19, 37 FR 14246, July 18, 1972). Transportation under these waivers did not result in damage during shipment, and there were no failures upon subsequent testing. In addition, OPS has proposed to amend Part 192 to incorporate by reference the 1972 edition (39 FR 6126, February 19, 1974).

In both OPS-8 and OPS-19 and in the pending rule-making proceeding, the public was given notice and opportunity for hearing. No public opposition was expressed. In these circumstances, and since time is of the essence, the OPS finds, as permitted by 5 U.S.C. 553(3)(B), that a notice and public procedure are unnecessary in this proceeding. To permit all interested persons to have an opportunity to express their views on whether a waiver should be granted and to accord those views proper consideration, the waiver granted herein is subject to reconsideration by OPS on the basis of any comments received.

Based on my review of all relevant material, I have determined that granting the petitioner's request would not be inconsistent with gas pipeline safety and would be in the public interest. Therefore, the Michigan Wisconsin Pipe Line Company is hereby granted a waiver from compliance with 49 CFR 192.65 as to the use of 67 miles of 42-inch steel pipe to be transported by railroad in 80-foot lengths with an overhang greater than

permitted by the 1967 edition of API RP5L1 subject to the following conditions:

- (1) The transportation must be performed in accordance with the 1972 edition of API RP5L1.
- (2) During car unloading, each length of pipe must be inspected for visible damage. A detailed report of all damage discovered, except damage to pipe bevels, must be made promptly to OPS.
- (3) After installation, each length of pipe must be strength tested to at least 90 percent of specified minimum yield strength. Any failure related to transportation damage must be reported in a detailed statement supplementary to Form DOT-F-7100.2.
- (4) OPS must be notified of the completion of all testing performed under clause (3) and furnished all additional information pertinent to the safety of transportation by pipeline learned as a result of this waiver.

Because time is of the essence to the petitioner for delivery of pipe, this waiver is effective immediately. Such immediate effectiveness is authorized by 5 U.S.C. 553(d)(3).

This waiver will be reconsidered by OPS upon receipt of relevant information, views, or arguments submitted in writing to the Director, Office of Pipeline Safety, 400 Seventh Street, SW., Washington, D.C. 20590, before December 2, 1974. Unless otherwise decided, the filing of any written comment will not stay the effectiveness of this waiver.

This notice 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 November 13, 1974.

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

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