

**FEDERAL COMMUNICATIONS
COMMISSION****47 CFR Part 73****[MM Docket No. 93-76; RM-8196]****Radio Broadcasting Services;
Chateaugay, NY****AGENCY:** Federal Communications
Commission.**ACTION:** Final rule.

SUMMARY: The Commission, at the request of Vector Broadcasting, Inc., substitutes Channel 234C2 for Channel 234A at Chateaugay, New York, and modifies Station WYUL's construction permit to specify the higher class channel. See 58 FR 19396, April 14, 1993. Channel 234C2 can be allotted to Chateaugay in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at the transmitter site specified in Station WYUL's construction permit, which is 13.5 kilometers (8.4 miles) southeast, at coordinates North Latitude 44-49-41 and West Longitude 73-58-43. The allotment is short-spaced at Stations CIMF-FM, Channel 235C1, Hull, Quebec, CHWY, Channel 236B, Montreal, Quebec, and unoccupied Channel 234C1, Trois Rivieres, Quebec. Concurrence in the allotment by the Canadian government, as a specially negotiated allotment, has been received since Chateaugay is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 19, 1994.**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93-76, adopted July 15, 1994, and released August 8, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 234A and adding Channel 234C2 at Chateaugay.

Federal Communications Commission.

John A. Karousos,*Acting Chief, Allotments Branch, Policy and
Rules Division, Mass Media Bureau.*

[FR Doc. 94-19599 Filed 8-10-94; 8:45 am]

BILLING CODE 6712-01-M**DEPARTMENT OF TRANSPORTATION****Research and Special Programs
Administration****49 CFR Part 195****[Docket No. PS-121; Amdt. 195-51A]****RIN 2137-AB46****Pressure Testing Older Hazardous
Liquid and Carbon Dioxide Pipelines****AGENCY:** Research and Special Programs
Administration (RSPA), DOT.**ACTION:** Final rule; partial withdrawal.

SUMMARY: RSPA recently published a final rule requiring the hydrostatic pressure testing of certain older hazardous liquid and carbon dioxide pipelines that were never pressure tested to current standards. The final rule also disallowed the use of petroleum as a pressure test medium. Because the prohibition on petroleum as a test medium was not specifically proposed, RSPA indicated it would withdraw that prohibition if it received comments that the prohibition was not in the public interest. RSPA received comments objecting to the prohibition and is therefore withdrawing the prohibition and allowing the use of petroleum as a test medium under specified conditions.

EFFECTIVE DATE: August 11, 1994.

FOR FURTHER INFORMATION CONTACT: Albert C. Garnett, (202) 366-2036, regarding the subject matter of this notice, or the Dockets Unit, (202) 366-4453, regarding copies of this rule or other material in the docket that is referenced in this rule.

SUPPLEMENTARY INFORMATION:**Background**

On June 7, 1994, RSPA published a final rule, "Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines," (59 FR 29379). The final rule prohibited the transportation of

hazardous liquids or carbon dioxide in certain steel pipelines that were constructed before specified dates, unless those pipelines had been pressure tested hydrostatically according to current standards or are operated at 80 percent or less of a qualified prior test or operating pressure. Pressure testing subjects a pipeline to a higher pressure than is experienced during normal operating conditions. A qualified pressure test will disclose physical defects, if any, that are large enough to cause pipeline failure during normal operations. The requirements for pressure testing are intended to ensure an adequate safety margin between the test pressure and the maximum operating pressure to prevent pipeline accidents.

Although most pipelines are pressure tested with water, previous § 195.306 allowed the use of liquid petroleum under specified conditions, to be used as the test medium for onshore pipelines. This provision was adopted in January 1971, when the requirements for hydrostatic testing only applied to newly constructed pipelines and existing pipelines that were relocated, replaced, or otherwise changed.

In the final rule published June 7, 1994, RSPA was concerned that if there were widespread testing of older pipelines with petroleum and ruptures occurred, some of the spilled petroleum might create an environmental problem. To preclude this possibility, the final rule disallowed the use of petroleum as a test medium. RSPA had not specifically proposed this prohibition on the use of petroleum in the notice of proposed rulemaking (NPRM) published May 22, 1991 (56 FR 23538). In the preamble to the final rule, RSPA sought comments as to whether the prohibition was in the public interest. RSPA indicated that it would withdraw the prohibition if it received comments that the prohibition of petroleum as a test medium was not in the public interest.

Discussion of Comments

RSPA received 14 public responses to the final rule published on June 7, 1994. Although one pipeline operator stated that the prohibition would not significantly affect its operations, comments from 11 pipeline operators and a Petition for Reconsideration from the American Petroleum Institute opposed the prohibition. Williams Pipe Line Company, which submitted comments in opposition to the prohibition, also submitted a Petition for Reconsideration asking that RSPA exclude certain terminal piping systems from the requirements for pressure testing. This rule addresses only the

immediate issue of whether the prohibition on testing with petroleum should be withdrawn. In the near future, RSPA intends to address the other issues in the two Petitions for Reconsideration.

Six commenters recommended that petroleum should continue to be allowed for pressure testing piping in pump stations, tank farms, and other low pressure facilities where the location of the piping, often aboveground on property controlled by the operator, allows for close monitoring during the test. The commenters also stated that the typical manifold configurations at these facilities do not facilitate drainage of test water and residual water in piping after completion of the testing can contaminate the petroleum products.

Four commenters stated that disallowing testing with petroleum creates the need for large volumes of test water and equal volumes of polluted water. The commenters stated that, for those pipelines without ready access to a refinery, operators would be forced to use truck transportation to a facility for treatment of the polluted water, and that this increases the cost and time required for pressure testing. One of these commenters also stated that RSPA had not considered the unavailability of test water in arid, remote locations. Another commenter stated that the inability to retain flexibility to utilize petroleum as a test medium in appropriate situations would create an unreasonable and unnecessary expense that ultimately would be shouldered by the general public.

Six commenters stated that operators are not issued the necessary permits from regional and state agencies for the acquisition and disposal of test water in a timely manner and may not be able to schedule the pressure testing to meet the compliance deadlines. Two commenters argued that they had insufficient opportunity for comment because the NPRM did not propose to limit the use of petroleum as a test medium.

Two other commenters urged the withdrawal of the blanket prohibition and establishment of a reasonable set of criteria that might include: location of pipeline, size of pipe, valve spacing, limit on stress level, operating history or results of an inspection tool survey. Another commenter, also opposed to the blanket prohibition, recommended the establishment of a risk assessment process to determine which pipelines could be tested with petroleum, and suggested the process consider such factors as: age of pipeline, leak history, nearness to environmentally sensitive areas and populated areas, corrosion history, and results of runs with instrumented internal inspection devices (smart pigs).

The commenters pointed out these and other problems to illustrate their opposition to the prohibition of the use of liquid petroleum, in appropriate situations, as a test medium.

Action

The commenters have raised concerns that should be addressed in an NPRM. Because of these concerns, RSPA finds it is not in the public interest to keep

the prohibition on petroleum as a test medium in place at this time. Therefore, the revision to § 195.306(b), published on June 7, 1994, as Amendment 195-51, is hereby withdrawn. In the near future, RSPA intends to issue an NPRM addressing the use of liquid petroleum as a pressure test medium.

List of Subjects in 49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA amends part 195 of title 49 of the Code of Federal Regulations as follows:

PART 195—[AMENDED]

1. The authority citation for part 195 is revised to read as follows:

Authority: 49 U.S.C. 60102, 60104, 60108, 60109; 49 CFR 1.53.

2. The introductory text of § 195.306(b) is revised to read as follows:

§ 195.306 Test medium.

* * * * *

(b) Except for offshore pipelines, liquid petroleum that does not vaporize rapidly may be used as the test medium if—

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Issued in Washington, DC, on August 4, 1994.

Ana Sol Gutiérrez,

Acting Administrator, RSPA.

[FR Doc. 94-19560 Filed 8-10-94; 8:45 am]

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