adequately addressed by the heptane test alone.

The Coast Guard is not convinced that there is a significant risk of hot slag igniting materials used in boat construction. A series of tests of safety hazards associated with the use of flares on recreational boats was conducted for the Coast Guard in 1977. These revealed that flares would char, but not ignite painted wood, varnished wood, and fiberglass. These are the types of material on a boat that would provide the most likely surfaces over which flares would be burned. This finding would appear to reduce the necessity for including a surface burning test in the approval process for hand red flares. The results of the test series from which this information was taken are summarized in report No. AD A049 969, available from the national Technical Information Service, Springfield, Virginia 22151.

An additional factor that contributed to the Coast Guard's decision against proposing a surface burning test is the absence of any standard reference material suitable for laboratory testing. The extreme variations that would exist in any samples selected to represent material found on boats would tend to negate the value of the test results.

In proposing the addition of a heptane test, The Coast Guard is motivated primarily by its perception of the hazards that might exist on recreational boats. No accident data could be found that positively and clearly indicate that hot slag dripping from a flare poses any real and significant danger on a boat. Despite a Coast Guard requirement for hand red flares on commercial vessels, A Coast Guard Auxiliary requirement for flares on boats examined for a Courtesy Motorboat Examination Decal, a New York state law that requires flares on boats over 18 feet, and repeated attempts by the Coast Guard to solicit specific accident or hazard data in previous rule makings, and in open meetings with the National Boating Safety Advisory Council and the National Association of State Boating Law Administrators, not a single real world incident has been brought to our attention in which use of a hand flare caused a fire or explosion, or other significant harm. Despite this, the Coast Guard feels that, since most recreational boats use gasoline for fuel, a potential risk exists that justifies the minimal costs of this proposal.

Should this proposal be adopted as a final rule, the Coast Guard is considering making it effective 90 days before the effective date of its companion project (CGD 80-021A) that would add hand red flares to the list of visual distress signals approved for use on recreational boats. It would be advantageous to flare manufacturers and members of the boating community alike if hand red flares could be used as accepted devices as of January 1, 1981, the effective date for the regulation covering other visual distress signals approved for use on boats. This would avoid placing the manufacturers of hand red flares at a competitive disadvantage, and would relieve boaters who prefer to carry hand red flares from having to purchase other devices. If this amendment to the specification regulation were to become effective on October 1, 1980, it is anticipated that manufacturers will have sufficient time to supply the market by January 1, 1981 with flares that pass the heptane test. Comments are specifically solicited on whether this timetable can be realistically met.

As the heptane ignition test is being proposed for all hand held flares approved under Subpart 160.021, it would also apply to flares carried on merchant vessels, even though the Coast Guard's primary concern in the past has been the safety of flares used on recreational boats. The Coast Guard feels it is appropriate to make the test a requirement for flares used on merchant vessels as well for the following reasons:

(a) There has been concern about the safety problems associated with hot slag from hand flares used on merchant vessels. These flares could be used in and around fire hazard areas in merchant vessel casualties, especially if the crew was not aware of the potential for fire.

(b) The flares are part of the equipment pack of inflatable life rafts which are constructed of rubberized fabrics that are susceptible to fire.

(c) At least one type of approved hand held flare can already pass the heptane ignition test, indicating that others that fail the test may be able to pass it by alteration of the manufacturer's production methods, rather than complete redesign of the flare. There is no indication that a flare which passes the heptane ignition test will be significantly more expensive to manufacture than one that does not, eliminating cost as the basis for approving separate devices.

(d) Confusion might result if two similar Coast Guard approved flares were commercially available, only one of which could be used on recreational boats.

In consideration of the foregoing, the Coast Guard proposes to amend Part 160 of Title 46 of the Code of Federal Regulations as set forth below.

1. By revising the heading of Subpart 160.021 to read as follows:

Subpart 160.021—Hand Red Flare Distress Signals

2. By adding a new paragraph (d)(8) to 160.021-4 to read as follows:

§ 160.021-4 Approval and production tests.

* * * * *

(d) *Technical tests.* * * *

* * * * *

(8) *Heptane ignition.* (i) A metal pan must be used to hold a layer of water at least 12 mm (½ in.) deep with a layer of technical grade heptane on top of the water. The pan must be at least 1 m (39 in.) square with sides extending between 175 mm (7 in.) and 200 mm (8 in.) above the surface of the water. The amount of heptane used to form the layer must be 2.0 liters per square meter of pan area (6.25 fluid ounces per square foot).

(ii) The test must be conducted in a draft-free location. The ambient temperature, the temperature of the water, and the temperature of the heptane must all be between 20°C (68°F) and 25°C (77°F) at the time of the test.

(iii) The signal under test must be held with the flame end pointing upward at an angle of approximately 45°, 1.2 m (4 ft.) directly above the center of the pan. The signal must be ignited as soon as the heptane is observed to spread out over the water in a continuous layer. The signal must be allowed to burn completely, and must remain in position until it has cooled.

(iv) The heptane must not be ignited by the flare or by material from the flare.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b)).

Dated: March 27, 1980.

Henry H. Bell

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety

[FR Doc. 80-10151 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-14-M

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-57; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Interior Piping

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This Advance Notice of Proposed Rulemaking invites comments relative to the need for Federal safety regulation of gas piping located inside buildings, whether these buildings be classified as commercial, industrial, a domicile, or places of congregation such as auditoriums, churches, or schools. Interior piping upstream from gas meters is currently subject to Federal or State regulatory authority as well as local building codes, and compliance with Federal requirements may be inappropriate.

DATE: Comments must be filed by August 1, 1980. Late filed comments will be considered as far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Branch, Materials Transportation Bureau, Department of Transportation, 400 7th Street, S.W., Washington, DC 20590. Comments will be available at the Docket Branch, Room 8426. The Docket Branch is open Monday through Friday from 8:30 a.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Robert F. Langley, 202–426–2082.

SUPPLEMENTARY INFORMATION: The National Transportation Safety Board (NTSB) in safety recommendation P–76–10 and pipeline accident report NTSB–PAR–76–2 issued on April 19 and February 19, 1976, respectively, recommended that the MTB amend 49 CFR Part 192 to define more realistically an operator's responsibility for gas piping inside buildings. In this report (a copy of which is in the docket and may be obtained from the National Technical Information Service), NTSB described an accident which occurred in an office building in New York City.

The report stated that:

"At 6:57 a.m. on April 22, 1974, a massive, low order explosion demolished the west wall of a 25-story commercial building at 305 East 45th Street, New York, New York. The structure of the adjacent building was damaged and glass was broken in other buildings in the area. Glass fragments and slivers were blown into 46th Street, where they lay 1-inch deep in places. No persons were killed, but more than 70 persons were injured."

"The National Transportation Safety Board's investigation showed that a 6-inch service line located in the basement of the building had been struck from below and severed by a ruptured hydropneumatic pressure tank installed directly underneath. Gas at 7-inches of water column flowed at 54,000 cubic feet per hour from the open end of the separated service line. Gas leakage continued for about ½ hour. Gas odors finally were noticed by a building occupant, but the building exploded before any mitigative efforts took place.

"The 6-inch service line in the basement was considered by the Office of Pipeline Safety to be a gas distribution main and therefore under the Federal regulation 49 CFR Part 192.3. The New York State Public Service Commission's regulation, 16 NYCRR 255.1855, maintains that the pipeline operator's jurisdiction ends at the first fitting inside the wall of a customer's structure. This is based on the impracticability of a pipeline operator's trying to operate and maintain thousands of feet of gas piping inside the walls and ceilings of thousands of buildings within the State."

Current Federal Regulation of Interior Piping

The Federal gas pipeline safety standards in Part 192 apply to operators of gas pipeline systems in or affecting interstate or foreign commerce other than rural gathering systems. As the term operator is defined in § 192.3, it includes both public gas utilities who sell and transport gas to customers and customers of such utilities who purchase gas for resale rather than their own consumption. In this latter category of operators are landlords and public housing authorities who sell and distribute gas to tenants in connection with the lease of real property (dwelling units) and also membership associations who sell and distribute gas to residents of housing cooperatives or condominiums.

In accordance with the definition in § 192.3 of the term "service line," an operator's responsibility for compliance with the Federal standards extends to the outlet of each customer meter (the meter that measures gas transferred to a customer) or to the connection of operator-owned piping with the customer's piping, whichever is farther downstream. This jurisdictional limitation may encompass interior piping as well as the underground or exterior piping that normally forms the bulk of a gas distribution system.

Regarding the extent to which Part 192 applies to interior piping under the "service line" definition, MTB has made the following general interpretations:

(1) Where a customer meter is located outside a building, the customer's piping is considered to begin no farther downstream than the wall through which the pipeline enters the building.

(2) Where a customer meter is located inside a building, the piping located upstream from the outlet of the meter is subject to Part 192.

(3) In an apartment complex consisting of several buildings, the underground and exterior pipelines are a distribution system subject to Part 192.

(4) In a distribution system that comprises interior piping only or primarily interior piping, as where an exterior "master meter" measures gas that is then transported throughout a single multiple dwelling building, and there are no exterior pipelines serving other buildings, the system is not subject to Part 192. In this situation the "master meter" is considered a "customer meter" for purposes of the "service line" definition in section 192.3.

These interpretations can be generalized to say that Part 192 applies to distribution systems that comprise exterior and underground pipelines and only to interior segments of such systems that are located upstream from customer meters. In the absence of customer meters, Part 192 jurisdiction ends no farther downstream than the building wall. The basis for this generalized interpretation lies in the legislative history of the Natural Gas Pipeline Safety Act of 1968, which shows Congressional concern for the safety of exterior and underground systems, the impracticality of determining ownership of piping inside buildings, and the fact that interior piping must meet the standards of local building codes. Interior segments of pipeline up to the meter are covered because normally the operator controls the meter and ownership of gas does not pass from the operator to the customer until the gas leaves the meter.

Two examples of the application of Part 192 to interior piping are: (1) placement of meters on the upper levels of buildings, and (2) piping routed through metered buildings to get to other buildings, such as in apartment complexes.

Purpose of this Notice

MTB recognizes that a large portion of gas pipelines inside buildings that is currently subject to Part 192 is behind walls and generally inaccessible to an operator after construction of a building. This situation makes compliance with many of the applicable safety requirements in Part 192 difficult because they were adopted with exterior, primarily underground piping in mind. Likewise, it is difficult for Federal and State pipeline safety inspectors to monitor the compliance of interior gas piping with applicable pipeline safety standards. MTB, by means of the following questions in this Advance Notice, wishes to stimulate answers to the issue raised by NTSB and to the need for continued Federal regulation of interior piping.

I. Local Building Codes as Standards for Design and Installation of Interior Gas Piping

A. To what extent do local building codes govern the design, installation, and testing of interior gas piping?

B. Are the safeguards adequate?

C. Should the Federal standards for design, installation, and testing of interior gas piping continue to apply in spite of local building code requirements?

D. Should the Federal standards be amended to apply only to accessible interior piping components such as meters?

E. Where local building codes do not apply to interior gas piping or the code provisions are inadequate, should the Federal standards continue to apply until local code provisions are adopted or improved to provide an acceptable level of safety?

F. Should operators be encouraged to seek adoption of better local building codes for gas piping and enforcement of such codes, such as by providing an exemption from Federal requirements where adequate local codes exist?

G. What should be the measure of building code adequacy?

H. If the Federal standards were amended to limit their application in areas of design, installation, and testing in favor of local code provisions, should operators be required to make thorough inspections (visually and by pressure test) of interior piping before allowing gas to flow into the system? It is recognized that a total visual inspection may be difficult, and for certain construction, would have to be done in stages as construction progresses.

II. The "National Fuel Gas Code" as Standards for Operation and Maintenance of Interior Gas Piping

MTB is also concerned that local building codes, if they are to provide for public safety in lieu of the Federal standards, may not require proper operation and maintenance of interior gas piping. For example, the performance of leakage surveys as required by § 192.723 might bring to light situations which could cause accidents like the one related above in the NTSB report.

The National Fire Protection Association (NFPA) states in the preface and the history of the "National Fuel Gas Code" (NFPA 54) that the document offers general criteria for the installation, operation, and maintenance of gas piping and gas equipment on customers' premises. The "National Fuel Gas Code" was developed from American National Standards Institute (ANSI) codes and from NFPA standards already in existence. The standards of NFPA 54 were not incorporated by reference in Part 192 when the Federal standards were adopted because the topics covered were generally thought to be outside the scope of Part 192. While this is still true regarding the installation of gas appliances and utilization equipment, the subsequent interpretations of Part 192, based on the "service line" definition (See Amdt. 192-13, 38 FR 9084, April 10, 1973), and the issue raised by NTSB make it opportune to consider the suitability of NFPA 54 as a referenced Federal standard or alternative regulation for interior piping.

A. To what extent do local building codes govern the operations and maintenance of interior gas piping?

B. Should the standards as set forth in NFPA 54, Parts 1 and 2, as applicable to interior gas piping, be incorporated as regulations in Part 192?

C. If so, would the requirements be more appropriate or less burdensome than the Part 192 standards?

D. As an alternative, should regulations be developed in Part 192 which would encourage gas operators to actively lobby for building codes or other local regulations to incorporate the pertinent NFPA 54 standards?

III. Gas Detectors

Present technological developments in the art of flammable gas detection have advanced to the point where even leading mail order houses are offering reliable automatic gas leak detector alarms, similar to smoke detector alarms, for nominal sums.

A. Should operators of interior gas piping be required, either by local building codes or Federal regulations, to include gas detectors and alarms in the buildings served?

B. Should such a requirement apply instead of existing Part 192 requirements that may be difficult to meet inside buildings?

MTB would appreciate answers or comments on any or all of the above questions and ideas. While rule changes are not being proposed at this time, if a commenter feels that conversion of any of the above thoughts to Federal regulations would in any way add to a gas operator's cost of operation, the commenter should state actual costs (not generalities) expected to be involved. The derivation of the increased costs should include breakdowns, such as labor, materials, and overhead, with carrying charges listed separately.

(49 U.S.C. 1672; 49 CFR 1.53(a), Appendix A of Part 1 and Paragraph (b)(2) of Appendix A to Part 106).

Issued in Washington, DC, on March 26, 1980.

Cesar De Leon,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 80-9583 Filed 4-2-80; 8:45 am]

BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR Part 325

[BMCS Docket No. MC-62-1, Notice No. 80-3]

Compliance With Interstate Motor Carrier Noise Emission Standards

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition for rulemaking filed by Salt Lake County, Utah, and in settlement of a lawsuit filed by Salt Lake County against the Department of Transportation, this document proposes to amend the Interstate Motor Carrier Noise Emission Standards to allow a minimum measurement distance of 31 feet and to change the correction factor for a hard test site.

DATE: Comments must be received on or before August 1, 1980.

ADDRESS: Submit written comments, preferably in triplicate, to the docket number and notice number that appear at the top of this document, Room 3402, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Chief, Development Branch, BMCS, 202-426-9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, 202-426-0346, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Interstate Motor Carrier Noise Emission Standards were published on October 15, 1975. The standards require a minimum distance of 35 feet for measuring the level of noise. This is the distance between the microphone location point and the microphone target point.

The regulations also state that when tests are made at a "hard" test site, a correction factor of 2 dB(A) is to be subtracted from the maximum sound level reading. This tolerance is specified