

copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86-9851 Filed 5-1-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-67; Notice 2]

Transportation of Natural and Other Gas by Pipeline; Interior Piping

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Withdrawal of Advance Notice of Proposed Rulemaking (ANPRM).

SUMMARY: This notice withdraws a proposal published in the *Federal Register*, Vol. 45, No. 66, at 22118 on April 3, 1980, to generate information to be used in evaluating the need for Federal regulation of gas piping inside buildings. Current pipeline safety regulations apply to gas distribution lines up to the meter at which point it is transferred to the consumer even where the gas meter is located inside a building. Review of comments to Notice 1 of this docket and comments received at both the December 13, 1983, and the December 10, 1985, Technical Pipeline Safety Standards Committee (TPSSC) meetings has convinced the RSPA that existing regulations defining a gas operator's responsibility for gas piping inside a building are appropriate.

FOR FURTHER INFORMATION CONTACT: Robert F. Langley, (202) 426-2082, regarding the contents of this notice or the Dockets Branch, (202) 426-3148, regarding copies of this notice or other information in the docket.

SUPPLEMENTARY INFORMATION: The National Transportation Safety Board (NTSB) in Safety Recommendation P-76-10 in pipeline accident report NTSB-PAR-76-2 issued on February 19, 1976, recommended that the Department "amend 49 CFR Part 192 to define more realistically an operator's responsibility for gas piping inside buildings." The report (a copy of which is in the docket and may be obtained from the NTSB), described an interior piping accident which involved a pressure tank rupture in an office building in New York City.

Although it was not a contributing factor in the accident, NTSB made its recommendation, in part, because the New York State gas pipeline safety regulations stopped at the building wall, while the Federal rules in Part 192 extended to the outlet of the interior meter. To the best of RSPA's knowledge, there have been no similar types of accidents anywhere under RSPA's jurisdiction in the more than 12 years since this accident, and the disparity between State and Federal regulatory coverage of interior piping is limited to New York. The State of New York, meanwhile, has instituted more stringent rules, helping to prevent this type of accident.

A Gas Research Institute Report, "Safety Research Plan for Gas Utilization," done by the Arthur D. Little Corporation in June 1983 (GRI No. 5081-352-0489) delves into gas incidents inside buildings at some length. This report shows that there is a probability of 1,854 fires or explosions occurring on interior piping annually out of the 40,000,000 gas service lines. This figure included fires or explosions occurring at gas appliances and piping beyond RSPA's regulations. The report also showed that the probability of a fatal accident occurring on interior piping serving nearly 50,000,000 customers would be one in 18 years.

To get some idea as to whether or not a safety problem existed with the portion of interior gas piping considered to be within the scope of 49 CFR Part 192 and also gain information to aid in responding to the NTSB safety recommendation regarding interior piping, the Office of Pipeline Safety Regulation issued an ANPRM. The ANPRM was published in the *Federal Register* as Docket No. PS-67; Notice 1 on April 3, 1980, in Vol. 45, No. 66 at 22118.

According to over 90 percent of the gas distribution operators commenting on the ANPRM, who serve at least 70 percent of the 50,000,000 present day gas customers in the nation, the National Fuel Gas Code, or a local version of it, is in effect for interior piping in the area in which they distribute gas. Usually this Code is given the force of law by local building codes. The National Fuel Gas Code covers the installation of gas piping systems inside buildings. This Code is developed by joint committees of the American National Standards Committee Z223 and the National Fire Protection Association and is classified as ANSI Z223.1 and NFPA 54. The Code states in its scope that:

Coverage of piping systems extends from the point of delivery to the connections with

each gas utilization device. For other than undiluted liquefied petroleum gas systems, the point of delivery is the outlet of the service meter assembly, or the outlet of the service regulator or service shutoff valve when no meter is provided. For undiluted liquefied petroleum gas systems, the point of delivery is the outlet of the first stage pressure regulator. (emphasis added)

There were 14 questions asked in the ANPRM. These questions dealt with the existing extent and coverage of interior piping by the Part 192 regulations. The questions also dealt with the National Fuel Gas Code and similar local codes and whether or not Federal standards should incorporate the National Fuel Gas Code in Part 192.1 Questions on the relative safety of interior piping also were asked. There were 77 commenters who responded. These included several State regulatory agencies, gas distribution system operators, trade associations, including the National Association of Home Builders, and standards committees, including the Building Officials and Code Administrators International, and the ANSI Z223 Committee.

On the question as to whether State and local codes were covering interior piping in satisfactory manner, 81 percent of the commenters thought that they were and only 4 percent thought something additional was needed. Under the existing pipeline regulatory scheme, State codes for interior piping upstream of the meter are at least as stringent as the Federal standards.

Forty-four percent of the commenters through that Federal standards for interior piping (piping upstream of the meter outlet) should continue to apply but only if readily accessible. Twenty-one percent thought that Federal standards should end at the basement wall or the meter outlet whichever is further upstream. The commenters in favor of continuing Federal regulations up to the meters, if the piping was accessible, did so for continuity since NEPA 54 starts at the gas meter. Those commenters in favor of ending jurisdiction at the entrance to the building served cited the difficulties of policing piping on private property and cost of inspections to assure the safety of piping which they believed that once it was completed, was subject to the control of the property owner.

On the question of incorporating the National Fuel Gas Code into Part 192, over 42 percent of the commenters were against it. Three percent favored this idea.

The TPSSC meeting on December 13, 1983, at which the ANPRM was discussed produced about the same

results as the response from the commenters. Some members thought that REPA should not change the existing regulations without more substantive data with regard to interior accidents. The Committee's report issued January 9, 1984, stated in part: "It was a consensus of the Committee that in the absence of any safety data to the contrary, RSPA should withdraw its proposed rulemaking regarding interior piping." At their December 10, 1985, meeting, the TPSSC voted that stopping the pipeline safety regulations at the building wall would not be reasonable. Members were concerned that such a change could cloud the safety of interior piping. The Committee also felt that gas distribution operators are well aware of their responsibilities for gas piping up to and including the gas meter under the present regulations.

Conclusions

In deciding whether to continue this proceeding beyond the ANPRM stage, RSPA has considered the NTSB recommendation, the comments to the ANPRM, the incidence of interior piping accidents, and the TPSSC views. From the NTSB recommendation, one might conclude that operators either are not aware of their obligations under Federal regulations in regard to interior piping or those obligations are somehow inappropriate. Yet, there was no indication from the commenters or the TPSSC that the former might be true. Also, although some industry commenters would like to be absolved of all responsibility for interior piping, no one has seriously made the case that the applicable Federal rules are too onerous or otherwise in appropriate. Certainly there are some "difficulties" in compliance as in gaining access to run leak or corrosion checks, but transportation of gas to an interior delivery point demands close attention to safety. Further, the impact of the "difficulties" has to be considered in view of the small proportion of interior piping (upstream of meters) that is subject to the RSPA rules.

Were RSPA to relax some of the so called "difficult" rules or to pull away entirely from interior piping jurisdiction, other existing standards would not fill the gap. The National Fuel Gas Code, which applies to other interior piping, starts at the outlet of interior meters (not the building wall) and does not apply to operation and maintenance problems associated with the termination of gas service lines inside buildings. It was this potential clouding of safety control that formed the basis for the TPSSC vote, and has persuaded RSPA not to relax the present rules.

At the same time, neither the RSPA data nor the GRI study show any need for expanded RSPA involvement with interior piping beyond the limits now set by Part 192.

For these reasons, the proposals presented in Docket PS-67; Notice 1 are hereby withdrawn.

Issued in Washington, DC, on April 28, 1986.

Robert L. Paullin,

Director, Office of Pipeline Safety, Research and Special Programs Administration.

[FR Doc. 86-9844 Filed 5-1-86; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1135

[Ex Parte 290 (Sub-2)]

Practice and Procedure; Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and reopened proceeding.

SUMMARY: The Commission proposes to modify its rules governing railroad cost recovery procedures by requiring railroads to adjust their rates to take into account declines in the rail cost adjustment factor. The recent sharp decline in rail costs has convinced us that we must reexamine our rules to determine whether these adjustments should be adopted. By this notice, the Commission also seeks comments on how the agency can mitigate errors in forecasting costs in a previous quarter, and how compliance with any rate reductions ordered should be monitored.

DATE: Comments are due May 16, 1986. Replies are due May 23, 1986.

FOR FURTHER INFORMATION CONTACT: William T. Bono, Bureau of Accounts, (202) 275-7354

or

Craig M. Keats, Office of General Counsel, (202) 275-7602.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (Washington, DC, metropolitan area), or toll-free (800) 424-5403.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although we believe that it

will not have a significant adverse impact on a substantial number of small entities, we also request comments on this issue.

List of Subjects in 49 CFR Part 1135

Administrative practice and procedures, Railroads, and Reporting and recordkeeping requirements.

Authority: 49 U.S.C. 10321, 10704, 10707a, and 5 U.S.C. 553.

Decided: April 25, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Andre concurred in the result with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 86-9921 Filed 5-1-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Findings on Petitions and Initiation of Status Reviews

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and status review.

SUMMARY: The Service announces 90-day findings in respect to five petitions and a 12-month finding in respect to one petition to amend the Lists of Endangered and Threatened Wildlife and Plants. Status review is initiated for one plant and one moth species that are subjects of petitions.

DATES: The findings announced in this notice were made between July 19, 1985, and January 28, 1986. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions should be submitted to the Associate Director—Federal Assistance (OES), U.S. Fish and Wildlife Service, Washington, DC 20240. The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-2771 or FTS 235-2771).