

positive effect on the economy of less than \$100 million a year, would result in a cost savings to consumers, industry, and government, and no adverse effects are anticipated, this action is not "major" under Executive Order 12291 or "significant" under DOT procedures.

Because MTB has only limited cost data relating to four weld repair waiver actions, additional cost data is now sought from the public and the industry about the resulting effect of amending the regulations as proposed.

List of Subjects

49 CFR Part 192

Pipeline.

49 CFR Part 195

Ammonia, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

Proposed Rule

Based on the foregoing, MTB proposes that Title 49, Code of Federal Regulations, Parts 192 and 195, be amended as follows:

PART 192—[AMENDED]

(1) By revising § 192.245 to read:

§ 192.245 Removal or repair of defective welds.

Each weld that is unacceptable under Section 192.241(c) must be removed, or repaired as follows:

(a) The repair of weld defects and the testing of weld repairs shall be in accordance with the requirements of Section 7.0 of API Standard 1104 and assure a sound, ductile weld when repair is completed.

(b) Multiple repairs, in accordance with subparagraph (a), may be made provided that the weld repair procedures assure that the minimum mechanical properties specified in the welding procedure for the original weld are met upon completion of the final weld repair.

PART 195—[AMENDED]

§ 195.232 [Removed]

(2) By removing § 195.232 and by revising § 195.230 to read:

§ 195.230 Welds: Repair of defects.

Each weld that is unacceptable under Section 195.228 must be removed, or repaired as follows:

(a) The repair of weld defects and the testing of weld repairs shall be in accordance with the requirements of Section 7.0 of API Standard 1104 and assure a sound, ductile weld when repair is completed.

(b) Multiple repairs, in accordance with subparagraph (a), may be made provided that the weld repair procedures assure that the minimum mechanical properties specified in the welding procedure for the original weld are met upon completion of the final weld repair.

(Authority citation for Part 192 is: 49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53; Appendix A to Part 1, and Appendix A to Part 106)

(Authority citation for Part 195 is: 49 U.S.C. 2002; 49 CFR 1.53; Appendix A to Part 1; and Appendix A to Part 106)

Issued in Washington, D.C., on January 19, 1983.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 83-1843 Filed 1-21-83; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Parts 192 and 195

[Docket No. PS-69; Notice 2]

Transportation of Natural and Other Gas and Hazardous Liquids by Pipelines; Line Marking at Navigable Waterways

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: By this notice, MTB proposes to revoke the regulations that require pipeline operators to place and maintain line markers at locations where gas and hazardous liquid pipelines cross navigable waterways. The current regulations are considered costly and unnecessary for safety in light of requirements and practices of the U.S. Army Corps of Engineers.

DATE: Interested persons are invited to submit written comments on this notice before March 10, 1983. Late filed comments will be considered as far as practicable. All interested persons must submit as part of their written comments all the material that they consider relevant to any statement of fact made by them.

ADDRESS: Communications should be sent to the Dockets Branch, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. All comments and docket materials may be reviewed in the Dockets Branch, Room 8426, between the hours of 8:30 a.m. to 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Mr. L. M. Furrow, 202-426-2392, regarding the content of this notice, or the Dockets Branch, 202-426-3148,

regarding copies of this notice or other information in the dockets.

SUPPLEMENTARY INFORMATION:

Background

Line markers (or signs) historically have been installed by gas and hazardous liquid pipeline companies at navigable waterway crossings to warn vessel pilots of the presence of underwater pipelines. The objective of this practice is to reduce the possibility that underwater pipelines will be damaged by activities such as anchoring, dredging, pile driving, spud mooring, or by collision at the shoreline. A version of this voluntary practice became mandatory for hazardous liquid pipelines when § 195.410, Line markers, was adopted in 1970 (34 FR 15473). Later, the standards in § 192.707 for marking gas pipelines were amended in 1975 (40 FR 13502) to, among other things, establish specific, detailed requirements for marking mains and transmission lines at navigable waterway crossings.

Although the term "navigable waterway" is not defined in either the gas or liquid regulations, MTB has interpreted it in a manner consistent with the U.S. Coast Guard's application of the term. This application has been recently expanded, however, by statutes and court decisions to include waters where there is little or no likelihood that marine activities will damage pipelines. For instance, markers would not be very useful for protecting crossings of minor streams that, although "navigable," have no vessel traffic and no likelihood of being dredged.

Another problem with both the gas and liquid line marking regulations is the difficulty and impracticality of installing warning signs at the shore that are large enough to be seen from passing vessels. Usually as waterways increase in size, so must the signs to provide adequate notice. At some point, aesthetic objections occur.

These problems caused MTB to include §§ 192.707 and 195.410 in its program for reviewing existing regulations, with a view toward revoking or revising these regulations that are not achieving their intended purpose. Key considerations in the review regarding line marking at navigable waterways were: (1) The seriousness of the safety problem the regulations were intended to remedy, (2) the burdens imposed by the regulations, and (3) duplication of the regulations with requirements of another agency.

At the outset of the review, MTB brought the question of the need for line markers at navigable waterways before

the Technical Pipeline Safety Standards Committee, a statutory advisory committee concerned with gas pipeline safety standards. On one occasion, the committee recommended that the term "navigable waterway" be narrowly defined to avoid unnecessary markers, and the markers not be required where channels are marked by aids to navigation and the Corps of Engineers, the National Ocean Survey, or the Defense Mapping Agency maintains charts that show utility crossings. Later, the committee considered the matter again without changing its original recommendation. This time, however, many members openly doubted the value of the line marking regulation in view of the apparently low potential for accidents or likelihood of serious consequences in the event of an accident, and the questionable effectiveness of markers in preventing accidents.

Also included in the review were several petitions for waivers and rulemaking received from the industry. MTB has received waiver petitions from Tennessee Gas Pipeline Company (79-3W), East Tennessee Natural Gas (79-5W), Midwestern Gas transmission (79-4W), and the Northern Natural Gas Company (80-1W). The petitioners requested that MTB grant them a waiver from compliance with the provisions of § 192.707(a) for all of their pipeline crossings of rivers, streams, and inland waters do not have either of the following characteristics: (1) U.S. Coast Guard aids to navigation; or (2) regularly scheduled commercial traffic. The petitioners stated that since MTB's regulations do not define the meaning of navigable waters, and since new laws and Court rulings have extended the meaning of "navigable waterway" to "any head waters capable to floating a canoe, bateaux, or log," markers are required on thousands of pipeline crossings of streams and tributaries where there is no possibility of damage from anchors or dredging. (It should be noted that a permit for dredging in navigable waterways must be obtained from the Corps of Engineers, and obstructions to dredging (such as pipelines) are noted on the permit.)

Tennessee Gas Pipeline Company stated that it would cost them in excess of \$8,000,000 to install signs at all navigable water crossings on their system. East Tennessee estimated their costs as at least \$600,000.

Another petitioner (P-10), the Interstate Natural Gas Association of America, has requested that MTB amend part 192 to establish a definition of "navigable waterway" that would

limit the installation of markers to waterways that have either Coast Guard aids to navigation or vessel traffic that could damage the pipeline. This request is consistent with the waiver petitions discussed above, in that markers would be required only where there is potential for anchor damage.

MTB's review concluded, preliminarily, that despite their longstanding usage, there was no empirical evidence to demonstrate the effectiveness of line markers in reducing the potential for accidents at navigable waterway crossings. It was also obvious that marker benefits, if any, would not likely be available at night or in fog, of far from shore where markers of moderate size could not be seen.

Another finding was that the consequences of accidents that have occurred have not been severe in terms of deaths and injuries. From 1970 through 1979, there were 40 accidents reported on gas pipeline crossings caused by marine activities, resulting in no deaths and four injuries. Between 1968 and 1977, there were only 16 marine-activity related accidents on liquid pipelines, and no deaths or injuries were reported.

Finally, even in the absence of a complete cost study, the information supplied by Tennessee Gas showed that compliance with the existing requirements for water crossings that might be classed as navigable is very costly for the industry.

Advance Notice

To complete its review of the regulations that require placement of line markers at navigable waterway crossings, MTB issued an Advance Notice of Proposed Rulemaking (ANPRM) on June 17, 1981 (FR 46 32287, June 22, 1981), inviting comments on the problem of interference with underwater pipeline crossings, the benefits of installing line markers at these crossings, and the size and costs of markers to be used.

In the ANPRM, MTB identified five alternatives that were being considered in deciding what, if any, rulemaking action to take. Also, MTB requested information from interested persons to aid in determining which alternative to choose. To focus the discussion on the issues which MTB believed would be of the greatest help in deciding which alternative to choose, MTB asked five questions relating to the alternatives.

Sixty-seven persons responded to the ANPRM. They included public utility companies, gas and liquid transmission companies, State agencies, industry associations, industry standards-making

bodies, maritime associations, a barge company, and other Federal agencies.

Responses to Questions

As to the risk posed by underwater pipelines, virtually all commenters said that the threat to public safety of an underwater gas or hazardous liquid pipeline is small. They based this opinion on a belief that damage to such pipelines occurs infrequently, and when damage does occur, it's usually in remote and sparsely populated areas where there are few ignition sources and few people are at risk. The majority of respondents stated that only in areas which have commercial traffic or dredging activities is there any potential threat to underwater pipelines. They cited the inattention of mariners, emergency anchoring, anchor dragging, barge sinking, and striking of pipelines by hulls or propellers as accident causes. Contributing factors were stated as the narrowness of many waterways, pipeline exposure due to erosion at riverbanks, and shifting of cover on riverbeds.

All the commenters had difficulty in evaluating the degree of effectiveness of signs in preventing accidents. Nevertheless, many respondents asserted that line markers are worthwhile on those waterways where the potential threat of damage to pipelines is significant. Many operators mentioned the fact that line markers may be seen at night by use of a vessel's spotlight. The usefulness of line markers in pinpointing the spot where a pipeline enters the water and the advantage of having the name of the commodity carried and a phone number on the line marker for appropriate response in case of an emergency were thought to be of value by several of the respondents.

There was a mixed response regarding whether markers should be required on waterways where the Corps of Engineers, the National Ocean Survey, or the Defense Mapping Agency maintains charts showing utility crossings or where there are aids to navigation. The majority were nearly unanimous in stating that installation of markers should be voluntary where there are currently Coast Guard aids-to-navigation or where crossings are shown on charts maintained by the above agencies. These respondents expressed the belief that the maintained charts provide a sufficient safeguard, and line markers should not be mandatory where such charts show pipeline crossings. In contrast, some commenters thought that markers should be required at crossings where there are Coast Guard aids-to-

navigation or traffic of vessels of a size that could damage a pipeline. Others pointed out that to be effective, charts must be kept accurate and up-to-date. Some pipeline operators and mariners stated that the charts are often not large enough for sufficient accuracy. Also, some State agencies mentioned that it cannot be presumed that pilots will use their charts at all times.

In regard to the use of lights or buoys to show a pipeline's location instead of conventional markers, most respondents considered the use of lights or buoys impracticable and not cost-effective. They cited the high initial cost of the devices, high maintenance costs, and the infrequency of accidents. In addition, the possibility of lights and buoys being mistaken for Coast Guard aids-to-navigation was mentioned. Also, they said the slack in buoy mooring chains would permit buoys to change position from directly over a pipeline and reduce their usefulness in showing the precise location of pipelines. Some of the respondents suggested, however, that lights and buoys should be considered for use on a site-specific basis, generally in wide channels, but their use in these areas should be subject to Coast Guard approval to prevent interference with the present aids-to-navigation system.

Several commenters recommended approaches other than line markers as a solution to the problem of underwater pipeline damage. There was general agreement that the present permit requirements of the Army Corps of Engineers are adequate to control the threat of accidents due to dredging or construction projects. Also, most of the respondents stated that "one-call" systems are effective in reducing accidents. It should be noted that a new Federal rule requiring gas operators to conduct or participate in "one-call" damage prevention programs in populated areas goes into effect April 1, 1983 (47 FR 13818, April 1982). Pipeline operators opposed deeper burial of pipelines because of the expense, while some State agencies and mariners were in favor of deeper burial.

Regarding the size of signs, all respondents agreed that if a requirement for installation of line markers at navigable waterways is to remain in force, 12-inch letters is the maximum size necessary. The opinions on how large the line marker signs should be varied from 4 by 8 feet to 8 by 12 feet. The majority preferred that visibility be based upon the use of binoculars. Some thought that line markers should be placed in the waterway itself for large bodies of water, recognizing that the line markers might then become a hazard.

The respondents agreed that line markers should be of a standard size, shape, and color scheme.

Many of the pipeline operators responding to the ANPRM stated that if the marking of pipeline crossings is to continue to be regulated, then the regulations should be reissued as performance requirements. It was their opinion that pipeline operators are in the best position to determine the importance of and the type of marker that would effectively protect the crossings.

In the ANPRM, MTB asked what would be the result if markers were no longer required. Virtually all the respondents who operate pipelines that cross navigable waterways stated that even in the absence of Federal regulations, they would install and maintain line markers at those crossings where they believe the line markers would serve a need. Many commenters pointed out that before there were Federal regulations, line markers had been installed where they believed there was a potential danger to pipelines from marine activities, and they would continue to be installed if the requirements were removed.

Those who opposed repeal of the waterway line marking regulations included the Interstate Natural Gas Association of America and some pipeline operators. They believed that even though the effectiveness of line markers as an accident prevention tool could not be quantified, crossing markers serve a useful purpose and regulations requiring them should be retained. Also, they said without Federal requirements, line markers at waterways would not be consistent throughout the nation.

Responses to Alternative Actions

Alternative 1. "Continue the present rules that line markers be placed at all crossings of waterways capable of floating a canoe, bateaux, or log, in a size large enough to be discerned from vessels in a channel."

Of the 67 respondents to the ANPRM, not one supported Alternative 1. The respondent's objections to Alternative 1 may be summed up in two categories: (1) Too expensive; and (2) The absence or low probability of hazards to pipelines in most areas covered by the current rules. Each commenter estimated the cost impact upon his individual company, except for the trade associations who presented an average range of cost based upon the estimated cost to their members. The estimates of cost per company for full compliance with the current rules ranged from \$100,000 to \$8,000,000 for installation of

markers, plus a yearly maintenance of approximately 10 percent of the original installation.

MTB's Regulatory Evaluation, an examination of the costs and benefits of the alternatives, shows that the cost of Alternative 1 would far exceed the total annual expected benefits.

Therefore, for the reasons stated above, MTB has removed Alternative 1 from any further consideration.

Alternative 2. "Require line markers only at crossings of rivers or other bodies of water which carry potentially damaging vessels or where channel dredging and commercial dredging (such as oyster shell dredging) is commonly performed, but place a reasonable limit on the size of signs."

Slightly less than half of the respondents preferred the adoption of Alternative 2, provided any new regulation be written in performance language. While most respondents that preferred Alternative 2 did not substantiate their choice, several commenters in this group said they believed that line markers were effective in preventing damage to pipelines. Even these commenters did not give examples of how markers had, in their experience, been effective.

MTB is not persuaded by the respondents who favored Alternative 2 that there should be a Federal pipeline safety requirement for placement of line markers at particular waterways. The waters to which the respondents would apply such a requirement, ones where damage to pipelines is most likely to occur, are the same ones they stated they would continue to mark in the absence of any Federal pipeline safety requirement. Indeed, the Regulatory Evaluation indicates that in high traffic locations, it is cost beneficial to install line markers, giving credence to the industry comments that line markers will be voluntarily installed where appropriate. MTB does not believe that it should require by regulation that which industry largely does on its own initiative, particularly when the failure to act voluntarily would not measurably threaten public safety.

Another consideration regarding Alternative 2 is that the Corps of Engineers and the Coast Guard also have regulations which affect the safety of pipelines crossing navigable waterways.

The Corps of Engineers and National Ocean Survey of the Department of Commerce produce charts for purposes of navigation on U.S. waterways. Submarine cables and pipelines are shown on these charts, based on information furnished by the Corps as

set forth in 33 CFR 209.310 and 209.325 (g), (h), and (i). Also, information about pipelines which affect navigation is published in Notices to Mariners, a Coast Guard and Department of Commerce publication, and in the U.S. Coast Pilot Monthly, another government sponsored publication, both of which are available to mariners. The U.S. Coast Guard requires vessels of 1,600 gross tons and up operating on the navigable waters of the U.S. to carry current government charts, coast pilots, and Notices to Mariners (33 CFR 164.33). Thus, information about pipeline crossings that could affect navigation is available on charts and publications to pilots of all vessels, and required to be kept on vessels with sufficient capacity to damage pipelines.

Moreover, the Corps of Engineers has authority under Sec. 10 of the River and Harbor Act of 1899 to regulate and grant permits for pipeline crossings of navigable waters of the United States and for dredging or other construction activities that might interfere with such crossings. The regulations which apply to the issuance of permits are in 33 CFR Parts 320 through 330.

The Corps of Engineers' policies for review of applications for Department of Army permits include a public interest review (33 CFR 320.4). All factors which may be relevant to a proposed crossing are considered, among which are navigation, safety, and in general, the needs and welfare of the people. comments on the ANPRM from the Corps stated that the need for line markers is also part of this review. No permit is granted unless its issuance is found to be in the public interest.

Thus, the Corps not only furnishes information about pipeline crossings that is used by mariners, but also conducts a case-by-case review of the safety of pipeline crossings of navigable waters, including the need for line markers. Furthermore, after a crossing is constructed, the Corps' permitting program in regard to dredging and marine construction activities serves to protect the crossing against damage. It follows, therefore, that the present requirements of §§ 192.707 and 195.410 for marking navigable waterway crossings are to a large extent unnecessary in light of the Corps of Engineers' practices.

For the above reasons, MTB does not propose to adopt Alternative 2.

Alternative 3. "Require all future underwater pipelines and the replacement of any existing underwater pipelines to be placed deep enough underneath the waterway bed to avoid foreseeable potential damage (rather than being dredged or bridged and laid

on or near the existing bed of the waterway). In this case, existing pipeline crossings would be marked according to Alternative 1, 2, 4, or 5."

The response to Alternative 3 was mixed. The pipeline operators were unanimously opposed to Alternative 3. They stated that it would be costly to bury pipelines under stream beds, and it was not possible to justify the additional cost.

Some State agencies and mariners were in favor of deeper burial. They contended that deeper burial would give pipelines greater protection and possibly eliminate all damage to pipelines caused by marine activities.

MTB agrees that deeper burial would afford greater protection for pipelines, but it would also be considerably more expensive than normal installation techniques. MTB's Regulatory Evaluation shows that deeper burial cannot be justified by the savings in accidents to be avoided. For this reason, MTB has ruled out Alternative 3 for further consideration in this rulemaking proceeding.

Alternative 4. "Revoke the present requirements for line markers at navigable waterways. In this case, safety would be regulated by other existing Department of Transportation requirements, such as depth of burial, by "one-call" damage prevention programs, or by Coast Guard and Corps of Engineer requirements discussed above."

Slightly fewer respondents were in favor of Alternative 4 than were in favor of Alternative 2. Their reasons for favoring revocation of the current rules were: (1) Underwater pipelines pose little, if any, threat to the public. (2) It is doubtful if line markers or other location-type markings prevent damage to underwater pipelines because most damage is the result of action taken in an emergency situation or due to the inattentiveness of marine personnel. (3) It is unnecessary to require by Federal regulation that which prudent operations would do in the absence of Federal regulations. (4) There is no direct indication that line markers have had any effect on reducing accidental damage to underwater pipelines.

After reviewing all the comments and considering other information available, MTB does not believe that its current requirements for placing line markers at navigable waterway crossings are justified. In short, MTB believes that because of their location, there is little risk of damage to underwater pipelines, and most of the incidents to underwater pipelines that do occur expose very few members of the general public to danger. Moreover, there is insufficient evidence

to show that line markers have had any effect in preventing damage to underwater pipelines, and such quantitative information appears unobtainable.

A major factor related to the lack of need for Federal regulations is MTB's belief, as supported by the comments, that most operators will voluntarily install and maintain line markers at crossings where they consider line markers to be helpful. Clearly, it is unnecessary for MTB to require by Federal regulations what industry can and will do in the absence of Federal regulations.

Another very important consideration involves the requirements and practices of the Corps of Engineers regarding issuing permits for pipeline crossings, dredging, and other construction activities in navigable waterways and the information provided mariners about pipeline crossings. The Corps' permitting and informational programs protect the public not only in regard to hazards to navigation, but also against risks posed by interference with underwater pipelines by vessels, dredging, or other water-use activity.

For the above reasons, MTB has selected Alternative 4 as the rulemaking action being proposed by this notice.

Alternative 5. "Use lights or buoys for line markers in place of signs; or use a combination of lights, buoys, and signs."

Not a single respondent thought that the use of lights or buoys for line markers would be cost effective and should be adopted as a Federal standard. Their main reason was the excessive cost to install lights and buoys. They also stated that maintenance of lights and buoys would be expensive. Several respondents mentioned that buoy mooring chains required a certain amount of slack which would permit the buoy to move from directly over the pipeline and prevent it from accurately marking the location of the pipeline. But several stated that a combination of lights, buoys, and signs would be an effective combination on some waters, particularly on wide bodies of water. Yet even these commenters said the cost of initial installation and follow-up maintenance would be extremely costly and a drawback to their use. Also, several respondents mentioned the fact that lights and buoys would have to be made compatible with the Coast Guard's aids-to-navigation system to avoid confusion.

MTB believes that it would indeed be extremely costly to require the use of lights and buoys, and the burden of making them compatible with the Coast

Guard's system would be a large cost factor. For this reason, along with the doubts mentioned above about a marker's effectiveness in accident prevention, Alternative 5 was not adopted as a rulemaking proposal.

Cost Impact

This notice does not propose a "major rule" under Executive Order 12291. The Order defines a "major rule" as one which would have an annual effect on the economy of \$100 million or more, a major increase in costs, or a significant adverse on the economy. As shown by the Regulatory Evaluation for this proceeding, this notice does not make any proposal that would have such an impact. This notice also does not propose a "significant" rule as defined by the Department of Transportation Policies and Procedures (DOT Order 2100.5).

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires a review of certain rules proposed after January 1, 1981, for their effects on small businesses, organizations, and governmental bodies. I certify that the proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities because there will be no direct or indirect costs of compliance or other adverse effects.

List of Subjects

49 CFR Part 192

Pipeline safety.

49 CFR Part 195

Ammonia, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

Therefore, for reasons set out in the preamble, MTB proposes to amend 49 CFR Parts 192 and 195 as follows:

PART 192—[AMENDED]

1. Section 192.707 would be amended by revising paragraph (a) introductory text, (a)(1), (b), and the introductory text of (d) to read as follows and by removing paragraphs (e) and (f):

§ 192.707 Line markers for mains and transmission lines.

(a) *Buried pipelines.* Except as provided in paragraph (b) of this section, a line marker must be placed and maintained as close as practical over each buried main and transmission line—

(1) At each crossing of a public road and railroad; and

* * * * *

(b) *Exceptions for buried pipelines.* Line markers are not required for buried mains and transmission lines—

(1) Located offshore or at crossings of or under navigable waterways; or

(2) In Class 3 or Class 4 locations—

(i) Where placement of a marker is impractical; or

(ii) Where a damage prevention program is in effect under § 192.614.

* * * * *

(d) *Marker warning.* The following must be written legibly on a background of sharply contrasting color on each line marker:

* * * * *

2. Section 195.410 would be amended by revising paragraphs (a) introductory text, (a)(2), and (b) to read as follows, by removing paragraph (c), and by redesignating paragraph (d) as paragraph (c):

§ 195.410 Line markers.

(a) Except as provided in paragraph (b) of this section, each operator shall place and maintain line markers over each buried pipeline in accordance with the following:

* * * * *

(2) The marker must state at least the following: "Warning" followed by the words "Petroleum (or the name of the hazardous liquid transported) Pipeline" (in lettering at least 1 inch high with an approximate stroke of one-quarter inch on a background of sharply contrasting color), the name of the operator and a telephone number (including area code) where the operator can be reached at all times.

(b) Line markers are not required for buried pipelines located—

(1) Offshore or at crossings of or under navigable waterways; or

(2) In heavily developed urban areas such as downtown business centers where—

(i) The placement of markers is impracticable and would not serve the purpose for which markers are intended; and

(ii) The local government maintains current substructure records.

* * * * *

(49 U.S.C. 1672 and 2002; 49 CFR 1.53, Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, D.C., on January 18, 1983.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 83-1747 Filed 1-21-83; 8:45 am]

BILLING CODE 4910-60-M