those benefits while residing in the foreign country party to the agreement, regardless of the alien non-payment provision (see § 404.460).

§ 404.1929 Overpayments.

An agreement may not authorize the adjustment of title II benefits to recover an overpayment made under the social security system of a foreign country (see § 404.501). Where an overpayment is made under the U.S. system, the provisions in Subpart F of this part will apply.

§ 404.1930 Disclosure of information.

The use of information furnished under an agreement generally shall be governed by the national statutes on confidentiality and disclosure of information of the country that has been furnished the information. (The U.S. will be governed by pertinent provisions of the Social Security Act, the Freedom of Information Act, the Privacy Act, the Tax Reform Act, and other related statutes.) In negotiating an agreement, consideration, should be given to the compatibility of the other country's laws on confidentiality and disclosure to those of the U.S. To the extent possible, information exchanged between the U.S. and the foreign country should be used exclusively for purposes of implementing the agreement and the laws to which the agreement pertains.

[FR Doc. 79-22680 Filed 7-20-79; 8:45 am]
BILLING CODE 4110-07-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Navigable Waters; Restricted Area, Sabine River, Tex.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: This rule amends the restricted area in the Sabine River at Orange, Texas by deleting all except an area in the vicinity of Pier No. 10. This action is the result of the disestablishment of the Texas Group, Atlantic Reserve Fleet.

DATE: Effective on July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, (202) 693-5070 or write: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: Regulations were promulgated under 33 CFR 207.184 on 29 December 1955 to establish a restricted area in the Sabine River at Orange, Texas, for the Texas Group, Atlantic Reserve Fleet. The Texas Group has been disestablished and the property formerly occupied by that organization is now being used by the Naval and Marine Corps Reserve Center. The only pier under the jurisdiction of the Naval and Marine Corps Reserve Center is Pier 10.

The General Counsel has reviewed this matter and is of the opinion that notice of proposed rulemaking and public procedures thereto are unnecessary since the restricted area was designed to protect Texas Group, Atlantic Reserve Fleet facilities and the only pier remaining under the jurisdiction of the Naval and Marine Corps Reserve and needing the restricted area is Pier 10. The Navy concurs in limiting the restricted area. Accordingly, the restricted areas in the vicinity of piers numbered 1 through 9, 11 and 12 are deleted as set forth below:

§ 207.184 Sabine River at Orange, Tex.; restricted area in vicinity of the Naval and Marine Corps Reserve Center.

(a) The area: The berthing area of the Naval and Marine Corps Reserve Center and the waters adjacent thereto from the mean high tide shoreline to a line drawn parallel to, and 100 feet channelward from lines connecting the pier head of Pier 10 and from a line drawn parallel to, and 200 feet upstream from, Pier 10 to a line drawn parallel to, and 100 feet downstream from Pier 10.

(b) The regulations: (1) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, shall navigate, anchor, or moor in the restricted area. (2) The regulations of this section shall be enforced by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, and such agencies as he may designate.

(40 Stat. 266; 33 U.S.C. 1.)

Note.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Date: June 1, 1979.

Michael Blumenfeld,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 79-22602 Filed 7-20-79; 8:45 am]
BILLING CODE 3710-92-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Part 192

[Amdt. 192-34; Docket PS-54]

Transportation of Natural and Other Gas by Pipeline; Joining of Plastic Pipe

AGENCY: Materials Transportation Bureau.

ACTION: Final rule.

SUMMARY: This amendment establishes tests for qualifying procedures and personnel to make all types of joints in plastic pipelines used in the transportation of natural and other gas, including heat fusion, solvent cement, adhesive, and mechanical joints. These new requirements are intended to minimize the possibility of joints coming apart and causing gas pipeline failures.

DATES: This amendment becomes effective January 1, 1980. This date gives operators time to assure that joining procedures and persons making joints have been qualified in accordance with this amendment. As further explained in the text, interested persons may submit written comments on certain issues until August 31, 1979.

ADDRESS: Communications should refer to the docket and amendment number and should be sent to: Docket Branch, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Paul J. Cory, 202-426-2392.

SUPPLEMENTARY INFORMATION: On October 18, 1978, the Materials Transportation Bureau (MTB) issued a notice of proposed rulemaking regarding the establishment of new safety regulations in Part 192 for qualifying procedures and personnel to make all types of joints used with both thermoplastic and thermosetting plastic pipe, including heat fusion, solvent cement, adhesive, and mechanical joints (43 FR, 49334, October 23, 1978). The deadline for comments was December 15, 1978, and over 95 persons submitted their views on the proposal. Also, the notice was presented to the Technical Pipeline Safety Standards Committee in accordance with Section 4 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1673). The Committee considered the notice at a meeting in Washington, D.C., on December 5, 1978, but did not make a recommendation on the technical feasibility, reasonableness, and practicability of the proposal.

Following is a discussion of significant comments received and their disposition in reaching a decision on the final rules:

Justification for this Rulemaking

Many comments suggested that the proposal was inappropriate and should be withdrawn because the accidents covered by the National Transportation Safety Board (NTSB) reports cited in the notice would not have occurred if the installation of joints had been made in compliance with existing requirements of Part 192 and fittings had been used as they were designed to be used.

MTB does not agree with this conclusion because compliance with present requirements in Part 192 for joining of plastic pipe will not necessarily ensure that sound joints will be produced; and Part 192 does not contain standards intended to assure that personnel know how to make joints correctly. Specifically, Part 192 does not describe either the characteristics of the burst test to be used in qualifying joining procedures or how test results are to be evaluated in determining whether a joining procedure is effective in meeting the performance objectives for a joint. More important, Part 192 does not require that a joining procedure be qualified from the standpoint of making a joint secure against anticipated pull out forces. Thus, the current standards leave to each operator's judgment the type of testing and proof needed to qualify procedures to make sound joints; and in the absence of a standard test, the use of different test methods can produce different test results on joints made by the same procedures.

One commenter asked that MTB cite the number of individual leak reports under Part 191 that have involved plastic pipe joints. For the seven years of data that is readily available (1970–1976), there are 64 individual written reports of failures submitted pursuant to Section 191.9 that have involved plastic pipe joints. It must be recognized that these reports are only required from distribution operators who have 100,000 or more customers. The accidents at Freemont, NB, and Lawrence, KS, referred to in the notice, and any other such accidents that have occurred in systems with less than 100,000 customers would not be included in that number because no individual written accident reports are required to be submitted from operators of this size.

Cost

The notice proposed that joining procedures and personnel be qualified by subjecting specimen joints to a series of specified burst and tensile tests. Virtually all 95 comments stated that the proposed qualification tests would result in an initial start-up cost in excess of $100 million nationally. Most of this expense would be for new laboratory buildings and equipment to handle numerous and frequent personnel testing. In addition, commenters argued that the annual recurring cost would be high for materials destroyed during testing and for salaries of high level technicians required to conduct the proposed tests. While costs shown by MTB's Evaluation were not as high (because of different assumptions), MTB was persuaded by comments that alternate testing procedures, as adopted in the final rules, could be used effectively to provide the intended level of safety and also reduce the cost to a minimum. A Final Evaluation of the projected costs is included in the docket as required by DOT procedures for improving Government regulations (49 FR 11034). The Evaluation projects a start-up cost of approximately $1,823,000 and an annual cost of approximately $365,000 to the regulated industry.

Qualifying Tests for Procedures

Several comments contended that any test method that demonstrates that joints are as strong as the adjoining pipe in both burst and tensile strength is entirely adequate. This point was discussed in the preamble to the notice in the text. To repeat, MTB believes that in the absence of a standard test to qualify joining procedures, various testing methods used may give inconsistent results that cannot be relied upon to prove the reliability of joints tested.

One commenter stated that there are not enough test facilities in the country to handle the proposed testing. Considering similar comments from others and the large number of persons that join plastic pipe, MTB feels that this view is correct, and the final rules have been changed with this in mind.

Pressure Burst Tests

In the notice, MTB proposed to adopt as a standard burst test the short-time pressure test that is found in ASTM D1599, "Standard Method of Test for Short-Time Rupture Strength of Plastic Pipe, Tubing and Fittings". This test is widely used for quality control during the manufacturing of plastic pipe, and has the advantage of being conducted in only 60 to 90 seconds. Most of the comments received agreed with the intent of the notice to provide standardized testing procedures for each type of plastic pipe joint but stated that the application of the D1599 burst test to mechanical joints was inappropriate for the reasons discussed hereinafter.

Comments also pointed out that although a sustained pressure test conducted under the restrictions set forth in Paragraph 8.6 of ASTM D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing and Fittings" is a much more severe test than the proposed burst test, it should be permitted as an acceptable burst test. This test has been widely used by industry as a reliable test for qualifying joining procedures for making heat fusion, solvent cement, and adhesive joints, and incorporates the test provisions of ASTM D1598 "Standard Method of Test for Time-To-Failure of Plastic Pipe Under Constant Internal Pressure." Under this test, by applying a continuous high stress over a long period of time (1000 hours), even minor flaws are detected in a sample joint, as well as those that would cause a pipeline failure at maximum design stress levels during the life of the pipeline. MTB believes that this test can be relied upon, as many commenters indicated, to determine the acceptability of heat fusion, solvent cement, and adhesive joining procedures, and it deserves recognition in the final rules. As a result, the final rule in Section 192.283 permits compliance with Paragraph 8.6 of ASTM D2513 as one method of performing the required burst test for qualifying procedures used in making heat fusion, solvent cement, and adhesive joints in plastic pipelines.

One commenter stated that the proposed ASTM D1599 test permits leakage at the fitting during testing (Paragraph 8.5).

In reviewing this paragraph, MTB notes that this test is normally used to test sections of pipe. The fittings referred to in this paragraph are those used to provide and closures or connections to the test sample and would not include a fitting being tested.

When a pipe specimen or joining procedures that are being qualified under the proposed D1599 test are intended for use in natural gas piping systems, Paragraph 8.7 of ASTM D2513 modifies the test somewhat by providing that it be performed at a specified minimum fiber stress for each type of materials. Additional requirements were established in D2513 in recognition of the increased hazard involved in the event of a leak of natural gas as compared with other products that may be carried by plastic pipe. Although the minimum fiber stress specified for the short-time D1599 test is much higher than that used under Paragraph 8.6 for

the constant internal pressure test (D1598), the short-time test is not as sensitive in detecting minor flaws as a constant internal pressure test. However, MTB believes that the D1599 test will detect the flaws in heat fusion, solvent cement, and adhesive joints that could cause hazardous pipeline failures. For the above reasons, the final rule is changed to require compliance with either Paragraph 8.6 or 8.7 of ASTM D2513 in conducting the required burst test. However, since the use of the D1599 pressure test as modified by Paragraph 8.7 of ASTM D2513 was not addressed in the notice, MTB invites interested persons to submit further written comments on the safety advantages of qualifying heat fusion, solvent cement, and adhesive joining procedures under this test procedure. MTB will consider all comments received by August 31, 1979, with a view toward taking any further necessary action on this matter before the final rule becomes effective.

The proposal to delete the first sentence of § 192.281(a) was reconsidered by MTB in light of comments received on the notice regarding burst testing to qualify a mechanical joining procedure. It can be readily shown from the requirements of Subpart D of Part 192 that the fittings in use for mechanical joints must have burst strength that equals or exceeds that for plastic pipe. A review of the catalogs of various manufacturers of fittings for joining plastic pipe shows that they consistently have a higher burst strength than the plastic pipe being joined. Thus, both the existing and the proposed burst test would cause failure of the plastic pipe before the burst stress of the fittings used to make the mechanical joint is reached. Because of this, the requirement for a burst test for qualifying procedures in making mechanical joints does not appear necessary and is not included in the final rule. However, since this issue also was not addressed in the notice, MTB invites interested persons to submit written comments on the effect on safety caused by the deletion of the requirement for qualifying mechanical joining procedures by burst testing. MTB will consider all comments received by August 31, 1979, with a view toward taking any further necessary action on this matter before the final rule becomes effective.

Tensile Pull Test

MTB proposed that all joining procedures for plastic pipe be qualfied by a longitudinal pull test in addition to a burst test to assure the integrity of joints under pull-out force conditions. The notice proposed the use of a longitudinal pull test that was approved by ASTM on Septemer 2, 1978, as Paragraph EM8.14-Categorization of Mechanical Joints, to be added on an interim basis to ASTM D2513–75b. This test was developed by the ASTM F17.60 Gas Piping Systems Subcommittee specifically for use in determining the capabilities of mechanical joints in plastic pipe. Comments pointed out that in the case of large diameter pipe, this proposed test would not permit heat fusion, solvent cement, or adhesive joining procedures to be qualified by pull testing longitudinal straps cut from a specimen joint, as is the current industry practice. In making the proposal, MTB did not consider that in testing samples of an entire joint as required by EM 8.14 on pipe sizes of 4 inches and larger diameter, the forces required can reach several hundred-thousand-pounds and require excessively large equipment. Such equipment is very expensive and, although it could be built, few if any such machines are currently available.

MTB evaluated alternative tensile pull tests suggested by commenters and found that ASTM D638, which was referenced in the proposed EM8.14 test, satisfied both the purpose of the proposal and the commenter objections. ASTM D638 includes procedures designed for testing sections of plastic pipe or straps cut from the pipe wall that will readily determine if specimen joints made by heat fusion, solvent cement, or adhesive methods are as strong as the pipe.

In reviewing ASTM D638–77a, MTB finds that it does establish uniform procedures for longitudinal pull testing of both full sections of pipe and tubing as well as straps from such sections. This test is very similar to the pull test proposed in the notice except for the configuration of the specimen. The use of the D638 method with straps taken from large diameter pipe also has the advantage of reducing the forces and the size of the pull testing machine required for large diameter pipe joint samples to lower levels that permit the use of currently available equipment. For these reasons, MTB has adopted in the final rule the requirement that heat fusion, solvent cement, and adhesive joints must meet the requirements of ASTM D638–77a "Standard Test Method for Tensile Properties of Plastics" instead of the tests proposed in the notice.

Commenters pointed out that lateral connections of pipe or fittings to straight pipe sections do not have a configuration that can be subjected to a tensile pull test such as the test proposed in the notice or the one in ASTM D638. Therefore, an alternative method of detecting whether joints at lateral connections have tensile strength equal to or greater than that of the pipe being joined must be used. One method recommended is to subject a specimen of laterally joined pipe to an impact force parallel to the axis of the pipe to which the lateral connection is made until failure occurs in the specimen. If failure occurs outside of the joint area, the joining procedure qualifies for use. Several commenters state that this method will detect unbonded areas and similar voids in the joint area of lateral connections. MTB has witnessed such testing of lateral connections and, as a result, believes this to be an effective method of evaluating such joints. Because of this, the final rule requires such an impact test be used in qualifying joining procedures to make lateral connections. However, since the use of an impact force to test lateral connections was not discussed in the notice, MTB also invites comments on the safety advantages or disadvantages of qualifying joining procedures for lateral connections by heat fusion, solvent cement, and adhesive methods under this test method. MTB will consider all comments received by August 31, 1979, with a view toward taking any further necessary action on this matter before the final rule becomes effective.

Several commenters pointed out that in using the proposed tensile test for mechanical joints, the forces involved in testing a joint to failure of the connecting pipe for 4-inch and larger diameters with present materials are in the order of 1,000,000 to 4,000,000 pounds. This estimate did not include the new higher strength materials or thermosetting materials which would have even higher strength. These forces far exceed any forces that could be anticipated on such pipelines and would also exceed the capacity of the available testing equipment, as was discussed earlier in this preamble. It appears to MTB that a solution to this problem that would provide the intended level of safety and reduce the forces required to test such fittings would be to provide an exception for joints in pipelines 4 inches and larger in diameter from the tensile test requirements of Paragraph EM8.14 of ASTM D2513–75b. This exception would modify the tensile stress required to be equal to or greater than the maximum thermal stresses that would be produced by a temperature change of 100°F. The use of a 100°F temperature differential is based upon the

approximate temperatures experienced in above ground service riser tests used in previous rulemaking and the moderating effect of soil cover on the temperature of buried pipelines. Because of the phenomenon of relaxation of stresses that occurs with all plastic materials and the slow temperature changes in underground pipelines, this stress would be at least double the stress that would occur in such pipelines during the operating life.

Commenters also pointed out that there are methods of installation of mechanical joints that protect a joint from being subjected to anticipated longitudinal stresses, such as providing flexibility in the piping, harnessing the joint, or anchoring the pipe. MTB has considered that practice of using installations of this type and is satisfied that they can provide an adequate level of safety and meet the strength requirements for joints of § 192.273(a).

Because of the problems with testing of large diameter mechanical joints and the recognition of the use of various methods available to eliminate the longitudinal forces to which some mechanical joints may be subjected, the final rule requires that joints must be made by a procedure that meets the test requirements of ASTM D2513–75b, Paragraph EM8.14, Categorization of Mechanical Joints, as proposed, except for a procedure that is used to make joints that:

(1) Will not be subject to the design pullout or thrust forces of § 192.273(a); or

(2) Are 4 inches and larger in pipe diameter, the tensile stress used in testing shall equal or exceed the maximum thermal stress that would be produced by a temperature change of 100 degrees F. (55.6 degrees C.).

This discussion has been based upon the tensile pull test procedures in EM8.14 of ASTM D2513–75b and has discussed the excessive forces required to test mechanical joints that are 4 inches and larger in nominal pipe diameter. Because of these problems and the brevity of EM8.14, MTB is including an edited version of these requirements in the text of Section 192.283 rather than adopting by reference.

One comment suggested that MTB list each type of joint that would require different procedures. MTB believes that such a listing is unnecessary since it does not appear that operators have a problem in correctly matching procedures to the joint to be made. Also, if an improper procedure is used to make a joint, this fact should be readily detectable to the person inspecting the joint.

MTB wishes to emphasize that procedures for making joints in plastic pipe may be tested by the pipe or fitting manufacturers, the pipeline operator, or others, but the operator is legally responsible for qualification of the procedures that are to be used to join plastic pipelines.

Qualifying Persons To Make Joints

The notice proposed to require persons making any type of joint in plastic pipe to be qualified by having specimen joints made by such persons subjected to the same tests proposed to qualify joining procedures, that is both tensile test and burst test.

One commenter stated that there was no quick and easily conducted test adaptable for qualifying persons to make sound joints in accordance with the joining procedures. MTB agrees that the tests proposed may not be adaptable for such use, but other comments have suggested that MTB adopt qualification tests that are now being used successfully by some operators to verify the ability of persons to make sound joints in plastic pipe.

Many comments were made stating that the burst test and tensile pull test proposed for qualifying persons to make heat fusion, solvent cement, and adhesive joints were not practical because of the large number of persons making joints, the large number of joining methods, the lack of laboratory facilities, equipment, and staff to do the testing. These same comments pointed out that once the procedures were qualified, strict adherence to those procedures and close visual inspection could be used to determine the capability of persons making joints. In the case of heat fusion, solvent cement, and adhesive joints, a close visual inspection of completed specimen joints and the cut surface sections of those joints along with subjecting the joint sections to destructive strain would readily provide an evaluation of persons making such joints. MTB believes these comments to be correct and analyzed the methods available for evaluating joints in plastic pipe as discussed below.

Heat Fusion, Solvent Cement, and Adhesive Joining

MTB determined the most desirable characteristics to be considered in selecting a test for qualifying persons to make heat fusion, solvent cement, or adhesive joints, and evaluated the various test methods suggested by comments against these criteria.

In order of priority, the desirable characteristics considered by MTB in evaluating these test methods include:

1. Effective in detecting flaws in joints tested.
2. Easily understood by persons being qualified and persons conducting the test.
3. A minimum of special equipment.
4. Quick test results.
5. Low in cost.

For all types of joints in plastic pipelines, the notice proposed the use of the ASTM D1599 short-time burst test and a longitudinal pull test using ASTM D2513–75b, Paragraph EM8.14, Categorization of Mechanical Joints. The ASTM D1599 test is effective as a short-time burst test for detecting flaws affecting the circumferential strength of a joint or pipe segment. The basic principle of the test is readily understood. However, an accurately controlled temperature and pressurizing system capable of applying essentially continuously increasing internal pressure to the test specimen is required. Thus, special equipment is required, and there is a minimum delay of at least one hour for temperature conditioning of the test specimen. The limitations and problems of using the pull test established in EM8.14 of ASTM D2513 has been discussed above. These problems make the proposed test methods excessively costly for the frequent use that would be needed to qualify persons to make joints.

Radiography has been used to examine plastic pipe joints. However, according to the AGA Plastic Pipe Manual—1977, "the adequacy of coverage of a joint is questionable and the equipment is costly." MTB believes that the principle of radiography is commonly understood because of its use for other purposes; but because of the questionable results and high level of skill and training required to perform tests, radiography is not considered acceptable for this purpose.

In discussing ultrasonic testing, the AGA Plastic Pipe Manual—1977 says,

> Another method of nondestructive testing is the use of ultrasonic sound waves to detect flaws or imperfections in the joint. Although moderately costly, several companies have found this method very reliable when used by trained operators. The technique is fast and accurate.

In addition, papers presented at the Institute of Gas Technology, Symposium on Nondestructive Testing of Pipe Systems, June 7–10, 1976, and at the AGA Distribution Conference, May 7–9, 1979, demonstrate that ultrasonic testing is very effective in evaluating the quality of heat fusion, solvent cement, or

adhesive joints, provided inspectors are properly trained. In the opinion of MTB, the equipment needed is both complicated and expensive and requires a high level of skill. Thus, MTB does not believe that ultrasonic testing meets the criteria above.

Visual examination of the exterior of a completed heat fusion, solvent cement, or adhesive joint by examining the entire circumference of the joint area is the most common method of determining joint quality. By comparing the appearance of a joint being inspected with the appearance of a joint that is known to be satisfactory, visible faults can be readily detected. This method is easily understood, requires little special equipment, gives quick results, is low in cost and reasonably effective in detecting flaws. Thus, MTB believes visual examination of the completed joint meets the criteria listed above.

If a specimen joint that has passed a visual examination, as described above, is then cut into straps longitudinally across the joint area, the cut surfaces of the joint area can be visually examined to detect any voids or unbonded areas that may not have been readily detectable by the visual inspection of the full joint as described in the paragraph above. This method is also easily understood, requires a minimum of equipment, gives quick results, is low in cost, and is more effective in detecting flaws in joints than visual inspection of the completed joint.

Another method that is often used is to subject straps like those cut in the method described in the previous paragraph to destructive strain. This strain may be applied by any method, but is usually induced by tensile pull, bending, torque, or impact. If the resulting fracture occurs in the joint, the joint is not acceptable. This method is also effective in detecting flaws, is easily understood, requires a minimum of equipment, gives quick results, is low in cost, and meets all of the criteria listed by MTB.

Several comments described a method that combines the three preceding test methods. These commenters indicated that such a combined testing procedure is very effective in evaluating the skill of a person to make joints in plastic pipe. MTB has witnessed similar tests and believes such procedures to be highly reliable for evaluating a specimen joint. Such a combined test meets all of the desirable characteristics listed. Because of this, the final rule requires a person being qualified under a joining procedure to make a joint in accordance with that procedure. The completed joint must have the same appearance as a sample joint or photographs of a sample joint that has been found acceptable under the applicable procedure qualified in accordance with § 192.283; and in the case of a heat fusion, solvent cement, or adhesive joint, cut into at least 3 longitudinal straps, each of which is visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area. Each strap must then be destructively tested and found not to have failed in the joint area. The destructive testing may be done by any appropriate method, such as tensile pull, bending, torsion or impact.

Mechanical Joints

Many comments stated that for mechanical joints, once a joining procedure has been shown to meet the requirements of the proposed qualification tensile test, the joining procedures are so simple that persons making joints should only need to show that they have followed the procedures to be qualified. MTB has reviewed the joining procedures for various mechanical joints and has found that they are consistently simple and straightforward and do not require a high level of skill to implement. As a result of these findings, the final rule for qualifying persons to make sound mechanical joints requires the person to be qualified by training or experience in the use of the joining procedure, and to make a specimen joint from pipe sections joined according to the procedure that is visually examined and found to have the same appearance as a specimen joint or photographs of a specimen joint that meets the applicable test requirements of § 192.283. Further, physical testing of the joint is not required.

Longitudinal Stress

Longitudinal forces resulting from thermal changes and external forces covered by the requirements of § 192.273(a) have been a factor in various plastic pipeline failures. If joining procedures that have been qualified under § 192.283 are followed in making joints, with consideration being given to anticipated thermal and external forces, the resulting joints will be able to withstand the thermal stresses that can be anticipated and will minimize the probability of similar failures occurring on pipelines constructed in the future.

One comment pointed out that there are locations where a mechanical joint with less resistance to longitudinal forces than other joints is used to provide a preferred location for a failure, should one occur. Using the test required for qualifying joining procedures for mechanical joints (§ 192.283(b)), such an installation could be made by designing other joints on the pipeline segment to exceed the requirements of § 192.273(a) and designing the joint in question to just meet those requirements. This would mean that an unanticipated force in excess of design would cause failure at the less hazardous, preferred location selected by the operator.

Requalification

There were several comments stating that although some operators may wish to qualify some of the persons making joints annually, as proposed, such a requirement would in many cases be an excessive restriction that did not relate to the proficiency of the person to make joints. One commenter suggested that an annual requalification of such persons was not adequate because it did not relate to the quality of the joints produced and that the need for requalification should be based upon the frequency that an individual made field joints that were found to be unsatisfactory by the required joint inspection. MTB agrees with this concept as being a better performance approach to the problem than was proposed and has, therefore, revised the proposed requirement for annual requalification of persons to make joints in plastic pipe with a prohibition under § 192.285(b) that no person who has made three or more joints found to be unacceptable under a particular joining procedure within any 12-month period may make joints under that procedure until that person is requalified under § 192.285(a)(2).

A comment suggested making requirements for qualifying persons to make plastic pipe joints similar to those for welded joints on steel pipe in API 1104, Section 3.2 Multiple Qualifications. This would require retraining annually and testing of one joint by nondestructive testing. MTB believes this suggestion to be impractical as a Federal requirement in that the most effective nondestructive test for use on plastic pipe would be ultrasonic inspection, and there are difficulties with this method as discussed above. In addition, adequate, less complicated and less costly inspection and testing methods can provide an acceptable level of safety.

Training

Under the new §§ 192.285 and 192.287, persons who make joints in plastic pipelines and persons who inspect joints

in plastic pipelines must be qualified by appropriate training or experience in the joining procedures being used. All comments agreed with this proposal in the notice.

Because of the wide variations in materials and operating conditions, MTB does not believe it has enough information to establish specific requirements concerning the material to be included in the required training. Operators may develop their own training programs or use other relevant training materials in any manner that is best suited to their situation. Training material that may be useful for this program is available from various pipe and fittings manufacturers and industry organizations, such as the American Gas Association, American Society of Mechanical Engineers, and Plastic Pipe Institute.

Certificate of Qualification

Most commenters objected to § 192.283(b)(3) in the notice, which would have required each person joining plastic pipe to have in his possession a certificate signed by the operator stating that the requirements for testing and training or experience have been met. Several comments pointed out that this would involve excessive amounts of recordkeeping that would be redundant. MTB is convinced that to assure that only qualified persons make joints in plastic pipelines, there should be some method to establish that a person making joints in plastic pipe has been qualified in accordance with § 192.285. A certificate issued to the person making joints is one method to do this, but other methods may be just as effective. In the final rule, each operator of plastic pipelines is required to establish a method to determine that each person making plastic pipe joints in his system is qualified. The rule leaves the operator free to establish a method best suited to his operations. Accordingly, the certificate requirement proposed in the notice has not been adopted in the final rule.

Inspection of Joints

Several comments indicated that they agreed with the proposed "training or experience" requirement for persons who inspect joints in plastic pipelines, provided it was intended that inspection could be done by the person making the joint. This was not the intent of the proposal inasmuch as the actual inspection requirement is stated under § 192.273(c). However, MTB believes that it is axiomatic that an adequate inspection of a job cannot be done by the person who has performed the job.

One commenter pointed out that to assure that correct procedures are used to make joints, a copy of the procedures intended to be used should be available to the persons making and inspecting joints at each joining site. MTB believes this would contribute to improving the quality of joints in plastic pipelines with negligible costs and has, therefore, included this in the final rule.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows:

§ 192.81 [Amended]

1. By deleting the first sentence of § 192.281(a).

2. By adding a new § 192.283 to read as follows:

§ 192.283 Plastic pipe; qualifying joining procedures.

(a) *Heat Fusion, Solvent Cement, and Adhesive Joints.* Before any written procedure established under § 192.273(b) can be used for making joints in plastic pipe by a heat fusion, solvent cement, or adhesive method, it must be qualified by—

(1) Meeting the burst test requirements of Paragraph 8.6 (Sustained Pressure Test) of Paragraph 8.7 (Minimum Hydrostatic Burst Pressure) of ASTM D2513; and

(2) Meeting the tensile test requirements of ASTM D638 or, in the case of a procedure for making lateral connections to pipelines, by subjecting a specimen made from pipe sections joined at right angles according to the procedures to an impact force on the lateral pipe parallel to the axis of the pipe to which the lateral connection is made until failure occurs in the specimen. In this latter test, if failure occurs outside the joint area, the procedure qualifies for use.

(b) *Mechanical Joints.* Except for a procedure applicable to joints that will not be subjected to the design pullout or thrust forces addressed in § 192.273(a), before any written procedure established under § 192.273(b) can be used for making joints in plastic pipelines by a mechanical method, it must be qualified in accordance with the following test for determining short-term pullout resistance:

(1) The apparatus and conditioning for the testing shall be as specified in ASTM D638–77a.

(2) The speed of the testing shall be 5.0 mm (0.20 inches) per minute, plus or minus 25 percent.

(3) Five specimen joints shall be prepared following the procedure being qualified. Length of the specimen shall be such that the distance between the grips of the apparatus and the end of the stiffener is at least five times the nominal outside diameter of the pipe size being tested.

(4) Pipe specimen less than 4 inches in diameter shall be pulled until the tubing yields to an elongation of 25 percent or is pulled from the fitting. Length of yield is to be ascertained over a 50 mm (2 inch) span.

(5) Pipe specimen 4 inches and larger in diameter shall be pulled until the pipe is subjected to a tensile stress equal to or greater than the maximum thermal stress that would be produced by a temperature change of 100° F (55.6° C).

(6) Specimen that fails at the grips shall be retested using new pipe or tubing.

(7) If the pipe or tubing pulls from the fitting, the lowest of the five values shall be used in the design calculations for stress.

(8) Results obtained pertain only to the specific outside diameter, wall thickness, and material of the pipe or tubing tested.

(c) A copy of each written procedure being used for joining plastic pipe must be available to the persons making and inspecting joints at the site where joining is accomplished.

3. By adding new § 192.285 to read as follows:

§ 192.285 Plastic pipe; qualifying persons to make joints.

(a) No person may make a joint in a plastic pipe unless that person has been qualified under the applicable joining procedure by:

(1) Appropriate training or experience in the use of the procedure; and

(2) Making a specimen joint from pipe sections joined according to the procedure, that is—

(i) Visually examined and found to have the same appearance as a joint or photographs of a joint that is acceptable under the procedure; and

(ii) In the case of a heat fusion, solvent cement, or adhesive joint, cut into at least 3 longitudinal straps, each of which is—

(A) Visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and

(B) Destructively tested and found not to have failed in the joint area.

(b) No person determined to have made three or more unacceptable joints under an applicable joining procedure within any 12-month period may be considered qualified under that procedure in accordance with Paragraph (a) of this section until that person has been requalified under Paragraph (a)(2) of this section.

(c) Each operator shall establish a method to determine that each person making joints in plastic pipelines in his system is qualified in accordance with this section.

4. By adding a new § 192.287 to read as follows:

§ 192.287 Plastic pipe; inspection of joints.

No person may carry out the inspection of joints in plastic pipes required by §§ 192.273(c) and 192.285(b) unless that person has been qualified by appropriate training or experience in evaluating the acceptability of plastic pipe joints made under the applicable joining procedure.

5. In Section II of Appendix A, by redesignating items (19) and (20) as items (20) and (21), respectively, and adding a new item (19) as follows:

Appendix A—Incorporated by Reference

* * * * *

(19) ASTM Specification D638 "Standard Test Method for Tensile Properties of Plastic" (D638–77a)

* * * * *

6. By amending the Table of Contents Part 192 to include the following new sections.

Subpart F—Joining of Materials Other Than by Welding

* * * * *

§ 192.283 Plastic pipe; qualifying joining procedures.
§ 192.285 Plastic pipe; qualifying persons to make joints.
§ 192.287 Plastic pipe; inspection of joints.

* * * * *

(49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53 and App. A of Part 1)

Issued in Washington, D.C., on July 9, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

Note.—Incorporation by reference provisions approved by the Director of the Federal Register July 17, 1979.

[FR Doc. 79-22554 Filed 7-20-79; 8:45 am]
BILLING CODE 4910-60-M

Federal Railroad Administration

49 CFR Part 265

[Docket No. 79-905]

Nondiscrimination in Federally Assisted Railroad Programs; Correction

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Correction of Background Statement.

SUMMARY: On June 21, 1979, FRA published amendments to 49 CFR Part 265, modifying the definition of minority business enterprise (MBE) and providing guidance in establishing the eligibility of MBEs (44 FR 36338). The background statement to the amendments contained an incorrect summary statement of an investigation report. The corrected summary statement is contained herein.

FOR FURTHER INFORMATION CONTACT:

Principal Authors

Principal Attorney: Rufus S. Watson, Jr., Office of Chief Counsel, Federal Railroad Administratin, 2100 Second Street, SW., Washington, D.C. 20590, (202) 472–5312.

Principal Policy Person: Miles Washington, Minority Business Resource Center, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–2852.

SUPPLEMENTARY INFORMATION: On June 21, 1979, FRA published amendments to 49 CFR Part 265, modifying the definition of minority business enterprise (MBE) and providing guidance in establishing the eligibility of MBEs (44 FR 36338). The background statement to the amendments contained the following statement:

"The Minority Business Resource Center, in investigating the procurement practices of the Chicago area railroads subject to Part 265, found that these railroads were awarding approximately 80 percent of their MBE awards to businesses for which ownership had been transferred but control retained by non-minority persons. Many of such firms had prior contractual relationships with these railroads on a non-MBE basis. Clearly the intent of Part 265 had been subverted."

The investigation referenced in the quoted language did reveal that a number of firms doing business with one or more of the railroads had acquired MBE eligibility status by transferring fifty percent (50%) of the stock ownership from husband to wife. It has been brought to FRA's attention that the investigation report does not support the conclusion that the problem has reached proportions stated in the quoted language. We agree. The quoted language should have read as follows:

"The Minority Resource Center, in investigating the procurement practices of the Chicago area railroads subject to Part 265, found that the majority of the MBE procurements at each of the railroads inspected were with firms which were fifty percent (50%) owned by women. The investigation also revealed that some white male-owned and traditional suppliers to railroads had transferred stock to their wives and the firms thereafter claimed MBE status. Thus, the affirmative action goals of the regulations were not being achieved."

Issued in Washington, D.C., on July 17, 1979.

John M. Sullivan,

Administrator.

[FR Doc. 79-22700 Filed 7-20-79; 8:45 am]
BILLING CODE 4910-06-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. 1316, Amdt. 5]

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Appleton, Wisconsin

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 5 to Service Order No. 1316.

SUMMARY: Service Order No. 1316 authorizes the CNW to operate over tracks of the MILW in Appleton, Wisconsin, for the purpose of providing continued railroad service to shippers served by those tracks.

DATES: Effective 11:59 p.m., July 15, 1979, and continuing until further order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275–7840.

Decided July 13, 1979.

Upon further consideration of Service Order No. 1316 (43 FR 14668, 28497, 39796, 51024; and 44 FR 3715), and good cause appearing therefor:

It is ordered: § *1033.1316 Service Order No. 1316* (Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Appleton, Wisconsin) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 15, 1979.

(49 U.S.C. (10304–10305 and 11121–11126))