

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Andrew L. Lyon (202) 275-7805, or Howell I. Sporn (202) 275-7691.

SUPPLEMENTARY INFORMATION: In this proceeding the Commission previously adopted rules: (1) Simplifying the procedure for obtaining a passenger broker license, (2) revising the Commission's regulations by increasing the passenger broker surety bond requirement, and (3) adding a consumer notice requirement. The decision adopting the rules appeared at 44 FR 70167, December 6, 1979, as corrected at 44 FR 74838, December 18, 1979.

The United States Court of Appeals for the District of Columbia Circuit stayed the decision and the adopted rules pending review. Upon completion of review and affirmance of the Commission's decision, the stay was lifted, thereby enabling the Commission to implement the rules. The Commission delayed implementation due to legislation pending in the Congress dealing with bus passenger operations and passenger brokers. No further action has been taken by the Commission.

The Bus Regulatory Reform Act of 1982 (Bus Act) was signed into law on September 20, 1982, and became effective November 19, 1982. Section 14 of the Bus Act exempts passenger brokers from licensing requirements and gives the Commission power to impose on passenger brokers such requirements for bonds or insurance or both as the Commission determines are needed. Consequently, the Commission no longer has authority to implement the application rules and the consumer notice requirement adopted in this proceeding. Accordingly, the rules adopted as a result of this proceeding which were codified at 49 CFR Parts 1045B and 1046 were removed in Ex Parte No. 55 (Sub-No. 56) (47 FR 53260, November 24, 1982). Also, implementation of the increased bond requirement is inappropriate as the Commission recently decided not to reinstitute any bond or insurance requirement for passenger brokers at this time, in Ex Parte No. MC-5 (Sub-No. 4), *Passenger Broker Surety Bonds or Insurance*, 133 M.C.C. 57 (1983).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

This proceeding is discontinued.

This decision is issued pursuant to authority in 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 22, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-5110 Filed 3-2-83; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Amdt. 195-26, Docket PS-72]

Transportation of Hazardous Liquids by Pipeline Retention of Radiographic Film

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule deletes the requirement in § 195.234(g) to retain radiographic film for 3 years after a line is placed in service and to map the location of the radiographed welds. The existing rule does not enhance safety but does impose a significant cost burden.

EFFECTIVE DATE: April 4, 1983.

ADDRESS: Copies of this amendment may be obtained from the Dockets Branch, Room 8426, Materials Transportation Bureau, U.S. Department of Transportation, 400 7th Street S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Frank Robinson, 202-426-2392.

SUPPLEMENTARY INFORMATION: Under the requirements of § 195.234, at least 10 percent of the girth welds made daily on a pipeline must be nondestructively tested to determine the acceptability of the welds. In addition, 100 percent of the girth welds that are located in specified areas (where a defect might occur or a spill could have serious consequences) must be nondestructively tested. To assure compliance with these testing requirements, § 195.234(g) requires that a record be kept for 3 years of welds that have been nondestructively tested, showing, if practicable, the location of the weld, and including the developed film for welds tested by radiography. Besides serving as a check on compliance, MTB believes that the intent § 195.234(g) is that retained radiographs would be advantageous in analyzing any leak that might develop in a radiographed weld.

In addition to the § 195.234(g) requirement, § 195.266(a) requires that a

complete record be kept for the life of the facility showing the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.

Two persons petitioned MTB to delete the radiograph retention requirement from § 195.234(g). In a letter dated September 21, 1977 (Pet. 77-11), Consolidated X-Ray Service Corporation requested that § 195.234(g) be made identical to the comparable recordkeeping requirement for gas pipelines set forth in § 192.243(f), which does not require retention of radiographs, or the exact location of each weld. Consolidated argued that the requirement for gas pipelines should be sufficient for liquid pipelines, since the construction methods (i.e., materials used, welding practices, and inspection techniques) are the same for the two types of pipelines.

Consolidated also pointed out that although radiograph retention was initially proposed for inclusion in § 192.243(f) (35 FR 1112), it was deleted in the final rule (35 FR 13248) in favor of the current, more general requirement on grounds that the "retention of X-ray film would present a substantial clerical burden and will not prove too valuable in accident investigation."

Colonial Pipeline Company, by letter dated October 17, 1978, also requested that the requirement to retain weld radiographs be deleted from § 195.234(g). Colonial argued that the objective of radiographic inspection of girth welds is to control the quality of welding, and that this objective is met by immediately bringing any problems that are detected to the attention of the welders. Thus, Colonial concluded, a weld radiograph loses its usefulness after a weld is initially accepted or rejected. In further argument against the need to retain radiographs beyond their initial interpretation, Colonial argued that a record of film interpretation and subsequent disposition of the weld, combined with a metallurgical examination, would be sufficient to explain any weld failure that might occur. Colonial also said the burdens associated with radiograph retention (the clerical tasks of rolling, marking, transporting, and storing film as much as 132 inches in length) are costly, and the time spent by inspectors who perform these tasks reduces their effectiveness in visually inspecting and interpreting film of additional welds.

A notice of proposed rulemaking (NPRM) was published on October 4, 1982 (47 FR 43745), proposing to delete § 195.234(g) based on the information

contained in the petitions and other information given in the notice.

Twenty-one commenters responded to the notice: the American Petroleum Institute (API), the American Gas Association (AGA), the Interstate Natural Gas Association of America (INGAA), five gas pipeline companies, and thirteen liquid pipeline companies. All of the commenters supported the deletion of § 195.234(g). Additionally, at a meeting in Washington, D.C., on December 17, 1981, the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) supported deletion of the rule. The Committee report is available for public review and copying.

In view of the information contained in the petitions together with other information given in the notice, the support of the THLPSSC and the 21 commenters, the MTB believes that § 195.234(g) is unnecessary for pipeline safety and imposes a \$3.28 million annual cost burden. For these reasons MTB deletes § 195.234(g) in this final rule.

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

Based on the facts available concerning the impact of this rulemaking action, I certify pursuant to section 605 of the Regulatory Flexibility Act, that the action will not have a significant economic impact on a substantial number of small entities. Few, if any, small entities will be affected by this rule.

List of Subjects in 49 CFR Part 195

Pipeline safety, Girth welds, Nondestructive testing, Radiographic inspection, Radiographic film, Mapping girth welds, Recordkeeping, and Record retention period.

PART 195—[AMENDED]

§ 195.234 [Amended]

For reasons given above, 49 CFR Part 195 is amended by removing § 195.234(g).

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

Issued in Washington, D.C. on February 24, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-5380 Filed 3-2-83; 8:45 am]

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Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94-1; Amdt. No. 81-9]

Minimum Levels of Financial Responsibility for Motor Carriers; Technical Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Technical correction to final rule.

SUMMARY: An emergency regulation which revised the existing minimum levels of financial responsibility requirements for motor carriers to implement provisions required by section 406 of the Surface Transportation Assistance Act of 1982 (STAA of 1982) was published in the Federal Register on February 7, 1983 (48 FR 5559). A technical correction is being made to the final rule which adds three commodities to the commodity transported column of both "Schedule of Limits" charts included in §§ 387.9 and 387.15 of 49 CFR. The three commodities were inadvertently omitted from the charts upon publication of the emergency regulation.

EFFECTIVE DATE: January 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, 202-426-9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, 202-426-0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The final rule implementing the provisions required by section 406 of the STAA of 1982 (Pub. L. 97-424, 96 Stat. 2097) was published in the Federal Register on February 7, 1983 (48 FR 5559). In revising the charts showing the schedule of limits, any quantity of Class A or B

explosives; any quantity of poison gas; or large quantity radioactive materials, were inadvertently omitted from paragraph (2), commodity transported column. Therefore, § 387.9 and § 387.15 are being amended to reinstate these commodities in paragraph (2) of both "Schedule of Limits" charts. For clarity and convenience, both charts are being reproduced in full and corrected.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. The economic impact, if any, anticipated as a result of this action is so minimal, a full regulatory evaluation is not required.

Under the criteria of the Regulatory Flexibility Act, it is certified that this rulemaking does not have a significant economic impact on a substantial number of small business entities.

Notice and opportunity for comment are not required under the regulatory policies and procedures of the DOT because it is not anticipated that such action would result in the receipt of useful information. Also, because the emergency final rule was effective January 6, 1983, these technical corrections are effective on January 6, 1983.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

List of Subjects in 49 CFR Part 387

Hazardous materials transportation, Insurance, Motor carriers, Surety bonds.

(Sec. 406, Pub. L. 97-424, 96 Stat. 2097; 49 CFR 1.48 and 301.60)

Issued on: February 24, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

In consideration of the foregoing, the FHWA is amending Part 387 of title 49, Code of Federal Regulations, to read as set forth below.

PART 387—[AMENDED]

1. The "Schedule of Limits" chart in § 387.9, is amended to read as follows:

§ 387.9 Financial responsibility minimum levels.

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