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#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by removing Channel 255C and adding Channel 255C2 at Montgomery, and by removing Channel 254C3 and adding Channel 254C2 at Warrior.

3. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 296A and adding Channel 297C2 at Rio Del and by removing Channel 299A and adding Channel 299B1 at Twentynine Palms.

4. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by removing Channel 224A and adding Channel 224B1 at Herrin.

5. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 269C3 and adding Channel 269C2 at Duluth.

6. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 252A and adding Channel 252C3 at Carthage.

7. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 225C3 and adding Channel 225C2 at Espanola, by removing Channel 298C3 and adding Channel 298C1 at Los Almos and by removing Channel 234C and adding Channel 234C1 at Santa Fe.

8. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 237A and adding Channel 237C3 at Lawton.

9. Section 73.202(b), the Table of FM Allotments under Texas is amended by removing Channel 228C3 and adding Channel 228C2 at Breckenridge and by removing Channel 269A and adding Channel 268C2 at Snyder.

10. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 266C2 and adding Channel 2266A at Pinedale.

Federal Communications Commission.

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-20706 Filed 8-19-96; 8:45 am]

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#### DEPARTMENT OF TRANSPORTATION

#### Research and Special Programs Administration

#### 49 CFR Part 195

[Docket No. PS-121; Amdt. 195-51B]

RIN 2137-AC 83

#### Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines

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

**ACTION:** Final rule; extension of time for compliance.

**SUMMARY:** This final rule extends the time for compliance with the requirements for pressure testing of older hazardous liquid and carbon dioxide pipelines. Plans for testing, which were to be completed by December 7, 1995, would now be required by December 7, 1997. The dates for actual completion of the testing, previously December 7, 1998, and December 7, 2001, are extended by one year. RSPA is extending these compliance dates to allow time to complete rulemaking based on the American Petroleum Institute's (API) petition for a risk-based alternative to the required pressure testing rule. RSPA will issue a proposed rule for a risk-based alternative to the existing pressure testing rule.

**DATES:** Effective Date: This rule is effective August 20, 1996.

**Compliance Dates:** The deadline for complying with § 195.302(c)(1) is extended to December 7, 1997. The deadline for complying with § 195.302(c)(2)(i) is extended to December 7, 1999. The deadline for complying with § 195.302(c)(2)(ii) is extended to December 7, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mike Israni, (202) 366-4571, regarding the subject matter of this document, or the Dockets Unit (202) 366-4453, for copies of this document or other information in the docket.

#### SUPPLEMENTARY INFORMATION:

#### API Proposal

In a petition dated June 23, 1995, API submitted a risk-based alternative to the pressure testing rule and requested that

RSPA delay implementation of the rule until the API proposal has been given full consideration. A copy of the API proposal is available in the docket (Dockets Unit, Room 8421 at DOT Headquarters will be temporary closed from August 15 to September 15, 1996. During this period pipeline safety dockets will be available in Room 2335 of the DOT Headquarters). API urged that the rule on pressure testing older hazardous liquid and carbon dioxide pipelines presents an opportunity to apply a risk-based approach to pressure testing, and proposed a risk-based alternative to the final rule issued on June 7, 1994 (59 FR 29379).

RSPA has been working with the pipeline industry to develop a risk management framework for pipeline regulation and decided to evaluate the API proposal carefully. Because substantial planning is required before pressure testing older pipelines, an extension of time for compliance was needed to avoid unnecessary costs in planning.

RSPA has now decided to initiate rulemaking on the API proposal. A notice of proposed rulemaking will be published separately to accomplish this.

#### Notice of Proposed Rulemaking

RSPA published a Notice of Proposed Rulemaking (NPRM) (Docket PS-121; 60 FR 54328; October 23, 1995) proposing one year extension of the compliance deadline to plan and schedule pressure testing. In addition, RSPA recognized that a final rule on extended compliance dates could not be issued in time to forestall the burden on operators of preparing the plans because of late issuance of the final rule. Thus, RSPA announced that it would not enforce December 7, 1995, compliance date.

RSPA held a meeting with API members on January 31, 1996, to clarify their proposal and held a public meeting on the API proposal on March 25, 1996. On May 8, 1996, RSPA briefed the Technical Hazardous Liquid Pipeline Safety Committee (THLPSSC) on the API proposal.

RSPA received two written comments on the NPRM on the extension of the compliance deadline. Both favored an extension. RSPA also received several comments from the industry during the public meetings that all the compliance deadlines for the current pressure test rule should be extended. Industry argued that they were not sure of what changes RSPA might suggest in the present rulemaking, so they could not plan in advance.

RSPA agrees with the comments about the need for extension of the comment period while rulemaking on

the API proposal is conducted. These new compliance dates are as follows:

Before December 7, 1997, plan and schedule testing;

Before December 7, 1999, pressure test each pipeline containing more than 50 percent by mileage of electric resistance welded pipe manufactured before 1970; and at least 50 percent of the mileage of all other pipelines; and

Before December 7, 2002, pressure test the remainder of the pipeline mileage.

#### Regulatory Analyses and Notices

##### *Executive Order 12866 and DOT Policies and Procedures*

The Office of Management and Budget (OMB) does not consider this final rule to be a significant regulatory action under section 3(f) of Executive Order 12866. Therefore, OMB did not review the final rule under that order. Also, DOT does not consider the final rule to be significant under its regulatory policies and procedures (44 FR 11034, February 26, 1979). This extension of compliance dates does not warrant preparation of a Regulatory Evaluation.

##### *Executive Order 12612*

We analyzed the final rule under the principles and criteria in Executive Order 12612 ("Federalism"). The final rule does not have sufficient federalism impacts to warrant preparation of a federalism assessment.

##### *Regulatory Flexibility Act*

I certify, under Section 605 of the Regulatory Flexibility Act, that this final rule will not have a significant economic impact on a substantial number of small entities.

##### List of Subjects in 49 CFR Part 195

Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA amends part 195 of title 49 of the Code of Federal Regulations as follows:

#### **PART 195—[AMENDED]**

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 60102, 60104, 60108, 60109; and 49 CFR 1.53.

2. Section 195.302(c) (1) and (2) are revised to read as follows:

#### **§ 195.302 General requirements.**

\* \* \* \* \*

(c) Except for onshore pipelines that transport HVL, the following compliance deadlines apply to pipelines under paragraphs (b)(1) and (b)(2)(i) of this section that have not been pressure tested under this subpart:

(1) Before December 7, 1997, for each pipeline each operator shall—

(i) Plan and schedule testing according to this paragraph; or

(ii) Establish the pipeline's maximum operating pressure under § 195.406(a)(5).

(2) For pipelines scheduled for testing, each operator shall—

(i) Before December 7, 1999, pressure test—

(A) Each pipeline identified by name, symbol, or otherwise that existing records show contains more than 50 percent by mileage of electric resistance welded pipe manufactured before 1970; and

(B) At least 50 percent of the mileage of all other pipelines; and

(ii) Before December 7, 2002, pressure test the remainder of the pipeline mileage.

Issued in Washington, D.C. on August 14, 1996.

Kelley S. Coyner,

*Deputy Administrator.*

[FR Doc. 96-21143 Filed 8-19-96; 8:45 am]

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#### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

##### **50 CFR Part 285**

[I.D. 081496A]

##### **Atlantic Tuna Fisheries; Atlantic Bluefin Tuna**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS closes the fishery for school Atlantic bluefin tuna (ABT) in the waters off New Jersey and states north. Closure of this fishery is necessary because the annual quota is projected to be attained by August 17, 1996. The intent of this action is to

prevent overharvest of the quota established for this fishery.

**EFFECTIVE DATE:** The closure is effective from 2330 hours local time August 17 through December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Bill Hogarth, 301-713-2347.

##### **SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) regulating the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

The Assistant Administrator for Fisheries, NOAA (AA), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of those statistics, to project a date when the catch of ABT will equal any quota under § 285.22. The AA is further authorized under § 285.20(b)(1) to prohibit fishing for, or retention of, ABT by those fishing in the category subject to the quota when the catch of tuna equals the quota established under § 285.22. The AA has determined, based on the reported catch and estimated fishing effort, that the annual quota of school ABT will be attained by August 17, 1996. Fishing for, catching, possessing, or landing any school ABT in any area must cease at 2330 hours local time on August 17, 1996. The Angling category fishery for bluefin tuna in the large school and small medium classes (47 inches to less than 59 inches (119 cm to less than 150 cm), and 59 inches to less than 73 inches (150 cm to less than 185 cm) curved fork length, respectively) was previously closed on July 31, 1996 (61 FR 40352, August 2, 1996). However, anglers may continue to tag and release fish greater than 27 inches (69 cm) curved fork length under the NMFS tag-and-release program (50 CFR 285.27).

##### **Classification**

This action is taken under 50 CFR 285.20(b)(1) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: August 14, 1996.

Richard W. Surdi,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 96-21123 Filed 8-15-96; 9:10 am]

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