propane gas delivery, and they provided some cost and safety data to support their views. A significant number of commenters to the IFR also raised identical issues, and several provided cost and safety data. These same issues were among the topics raised by participants in the public meeting and the two public workshops.

RSPA did not respond to the petitions for reconsideration prior to the close of the comment period in order not to prejudge the additional attendance requirement issue before all interested parties had an opportunity to comment on the IFR requirements. Because of the fast-approaching expiration date of the IFR, the need to take further regulatory action to ensure an acceptable level of safety is maintained during the delivery of liquefied compressed gases, and the identical nature of the issues raised by petitioners and commenters alike, RSPA finds that it is impracticable to issue a decision on the petitions for reconsideration prior to issuance of a final rule in RSPA docket HM–225. Consequently, RSPA will address the issues raised by petitioners and commenters regarding the IFR requirements in a final rule that it intends to issue prior to the expiration date of the IFR. Shortly thereafter, RSPA intends to issue a notice of proposed rulemaking to address broader issues raised during the course of this rulemaking, including the ''unobstructed view'' requirement in 49 CFR 177.834(I) and the need for hose maintenance requirements.

RSPA is issuing this document in accordance with 49 CFR 106.37(b).

Issued in Washington, DC on June 3, 1997.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97–14900 Filed 6–6–97; 8:45 am]

BILLING CODE 4910–60–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment,* 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications,* 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: June 9, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted May 21, 1997, and released May 30, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857–3800.

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 Colorado, is amended by removing Channel 295A and adding Channel 293C1 at La Junta, and by removing Channel 276C2 and adding Channel 276C1 at Limon.

3. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 226C3 and adding Channel 226A at Warrenton.

4. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 249A and adding Channel 249C3 at Ottumwa.

5. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 224A and adding Channel 224C2 at Albion.

6. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 265C2 and adding Channel 265C3 at Sulphur.

7. Section 73.202(b), the Table of FM Allotments under South Dakota, is amended by removing Channel 244C1 and adding Channel 244C2 at Hot Springs.

8. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 232A and adding Channel 232C2 at Comanche, and by removing Channel 257C3 and adding Channel 257C2 at Linden.

9. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 271A and adding Channel 271C3 at Elma, and by removing Channel 270C3 and adding Channel 270C2 at Medical Lake.

10. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 288A and adding Channel 288C3 at Laramie.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–14800 Filed 6–6–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS–117; Amdt. 195–57]

RIN 2137–AC87

Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals

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

ACTION: Direct final rule.

SUMMARY: This final rule excludes from RSPA's safety regulations for hazardous liquid [1] pipelines (1) low-stress pipelines [2] regulated for safety by the U.S. Coast Guard; and (2) low-stress pipelines less than 1 mile long that serve certain plants and transportation terminals without crossing an offshore area or a waterway currently used for commercial navigation. RSPA previously stayed enforcement of the regulations against these pipelines to mitigate compliance difficulties that did not appear warranted by risk. The rule change conforms the regulations with this enforcement policy.

DATES: This direct final rule is effective October 7, 1997. If RSPA does not receive any adverse comment or notice

[1] ''Hazardous liquid'' means petroleum, petroleum products, or anhydrous ammonia.

[2] ''Low-stress pipeline'' means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength (SMYS) of the line pipe.

of intent to file an adverse comment by August 8, 1997 the rule will become effective on the date specified. RSPA will issue a subsequent notice in the **Federal Register** by September 8, 1997 after the close of the comment period to confirm that fact and reiterate the effective date. If an adverse comment or notice of intent to file an adverse comment is received, RSPA will issue a timely notice in the **Federal Register** to confirm that fact and RSPA would withdraw the direct final rule in whole or in part. RSPA may then incorporate the adverse comment into a subsequent direct final rule or may publish a notice of proposed rulemaking.

ADDRESSES: Send comments in duplicate to the Dockets Unit, Room 8421, Research and Special Programs Administration, U. S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590. Identify the docket and notice number stated in the heading of this notice. All comments and docketed material will be available for inspection and copying in Room 8421 between 8:30 a.m. and 5 p.m. each business day.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, (202)366–4559, regarding the subject matter of this notice. Contact the Dockets Unit, (202) 366–5046, for copies of this notice or other material in the docket.

SUPPLEMENTARY INFORMATION:

I. Background

When RSPA's safety regulations for hazardous liquid pipelines (49 CFR part 195) were first published, the regulations did not apply to low-stress pipelines (34 FR 15473, Oct. 4, 1969). Because of their generally low operating pressures, low-stress hazardous liquid pipelines were thought to pose little risk to public safety.

In recent years, however, during a time of increased environmental awareness, critical accidents involving low-stress pipelines led Congress to restrict DOT's discretion to except these lines from regulation. The most prominent accident was the January 1990 spill of approximately 500,000 gallons of heating oil from an underwater Exxon pipeline into the Arthur Kill, a navigable waterway that separates Staten Island from New Jersey. Three years earlier, a 5,000-gallon spill of jet fuel on the Kinley pipeline in Iowa threatened the Missouri River. Both pipelines would have been covered by part 195 had there not been the low-stress exception. So, in an amendment to the pipeline safety laws, Congress directed the Secretary of Transportation not to provide an exception from regulation for a hazardous liquid pipeline facility only because the facility operates at low internal stress (49 U.S.C. 60102(k)).

In response to this change in the law, RSPA extended the part 195 regulations to cover certain low-stress pipelines of higher risk (Docket No. PS–117; 59 FR 35465, July 12, 1994). Except for onshore rural gathering lines and gravity-powered lines, the following categories of low-stress pipelines were brought under the regulations: Pipelines that transport highly volatile liquids, pipelines located onshore and outside rural areas, pipelines located offshore, and pipelines located in waterways that are currently used for commercial navigation (§ 195.1(b)(3)). Because the rulemaking record showed that many low-stress pipelines probably were not operated and maintained consistent with part 195 requirements, operators were allowed to delay compliance of their existing lines until July 12, 1996 (§ 195.1(c)).

II. Interfacility Transfer Lines

A. Description

The largest proportion of low-stress pipelines brought under part 195 consisted of interfacility transfer lines (about two-thirds of the pipelines and one-third of the overall mileage). The remainder included trunk lines and certain gathering lines.

Interfacility transfer lines move hazardous liquids locally between facilities such as truck, rail, and vessel transportation terminals, manufacturing plants, petrochemical plants, and oil refineries, or between these facilities and associated storage or long-distance pipeline transportation.[3] The lines usually are short, averaging about a mile in length. Typically they are operated in association with other transfer piping on the grounds of the plants and terminals they serve. However, some interfacility transfer lines that deliver hazardous liquids to plants or terminals from long-distance pipelines may be operated by the long-distance pipeline operators.

B. Related Federal Regulations

Segments of interfacility transfer lines located on the grounds of industrial plants and transportation terminals are subject to the Process Safety Management regulations of the Occupational Safety and Health Administration (OSHA) (29 CFR 1910.119). These regulations, which involve hazard analysis and control, operating and maintenance procedures, and personnel training, are intended to reduce the risk of fires and explosions caused by the escape of hazardous chemicals from facility processes.

Although on-grounds segments of interfacility transfer lines generally are excepted from part 195 (§ 195.1(b) (6) and (7)),[4] the on-grounds segment and regulated off-grounds segment of a line function together as a unit. Thus, OSHA's Process Safety Management regulations, though applicable only to on-grounds segments, affect the operation of off-grounds segments. And, similarly, compliance with part 195 for off-grounds segments affects operation of the unregulated on-grounds segments.

In addition, transfer lines between vessels and marine transportation-related facilities are subject to safety regulations of the U.S. Coast Guard (33 CFR parts 154 and 156). The Coast Guard applies these regulations to transfers of hazardous liquid from the dock loading arm or manifold up to the first valve after the line enters the Spill Prevention Control and Countermeasure (SPCC) containment or secondary containment if the facilities are not protected by SPCC plans.

C. Compliance Difficulties and Risk

Information we received in response to Notice 1 of Docket PS–117 (55 FR 45822, Oct. 31, 1990) showed that bringing interfacility transfer lines into full compliance with part 195 would be difficult for many operators. The primary difficulty is that their lines are not installed and operated on the basis of Part 195 standards. For example, considering the short length and low operating stress of the lines, additional pipe wall thickness is often used instead of cathodic protection to resist expected corrosion. But, regardless of this feature, under part 195, cathodic protection systems would have to be developed and installed as required. Other part 195 requirements that may not bring commensurate benefits for short, low-stress transfer lines involve modification of operations and maintenance manuals, installation of pressure control equipment, and establishment of programs to carry out drug and alcohol rules under 49 CFR part 199. Also, operating personnel would have to be trained to carry out part 195 requirements.

[3] The interfacility transfer lines did not include piping that connect high-stress pipelines with surge tanks located at plants and terminals. This piping was already subject to the part 195 regulations as part of the pipeline systems for which the tanks relieve surges.

[4] Segments of interfacility transfer lines on plant or terminal grounds are subject to part 195 if the segment connects a regulated pipeline (including off-grounds segments of interfacility transfer lines) to a surge tank or other device necessary to control the operating pressure of the regulated pipeline.

After publication of the Final Rule in Docket PS–117, we learned about another significant compliance difficulty. Transfer line operators and their representatives said that coping with the separate federal regulatory regimes of RSPA, OSHA, and the Coast Guard over transfer lines was a strain on resources. As explained above, OSHA's Process Safety Management regulations and RSPA's Part 195 standards have an overlapping effect on operation of interfacility transfer lines. This overlap results in analogous administrative costs for records, procedures, and manuals. Worse yet it creates opportunities for mistakes when operating personnel have to meet different requirements with similar objectives.

For transfers between vessels and marine transportation-related facilities, the Coast Guard safety regulations compound the RSPA–OSHA overlap problem. Moreover, application of part 195 to these marine terminal transfer lines duplicates agency efforts within DOT. It also leaves the industry uncertain which DOT safety standards apply to particular facilities. So the upshot of these separate regulatory regimes of RSPA, OSHA, and the Coast Guard is not only the added costs of meeting separate requirements directed at similar safety objectives, but also possible confusion of operating personnel.

The low-stress pipeline regulations also present RSPA and its cooperating State agencies with related compliance difficulties. Carrying out adequate compliance inspections on interfacility transfer lines would require a significant increase in resources. We estimate that about 11,000 miles of low-stress pipelines are now under part 195, with over a third of the mileage composed of short interfacility transfer lines. Just the job of finding and educating the many operators of these short lines would likely be a major, protracted effort.

We weighed these industry and government compliance difficulties against the need for risk reduction on low-stress interfacility transfer lines. Our conclusion: The potential benefits of complying with part 195 do not justify the compliance difficulties if the line is short and does not cross an offshore area or a commercially navigable waterway, or if the line is regulated by the Coast Guard. There were several reasons for this decision. First, RSPA's pipeline safety data do not show that short interfacility transfer lines have been a source of significant safety problems. Another reason was that the low operating hoop stress of interfacility transfer lines is itself a safeguard against several accident causes. And, from the consequence perspective, a short length means the potential spill volume would be limited should an accident occur. Also, public exposure is typically limited in the industrial areas where most low-stress transfer lines are located. For marine transfer lines, the risk is reduced even further by the Coast Guard regulations and inspection force. At the same time, except for Coast Guard regulated lines, the potential of transfer lines located offshore or in commercially navigable waterways to cause environmental harm tipped the scale toward continued compliance with part 195.

D. Stay of Enforcement

In view of the above considerations, we became concerned that the continued application of part 195 to Coast Guard regulated lines and other short interfacility transfer lines not crossing an offshore area or a navigable waterway was not in the public interest. Consequently, we announced a stay of enforcement of part 195 against these lines (61 FR 24245; May 14, 1996). The stay applies to low-stress pipelines that are regulated by the Coast Guard or that extend less than 1 mile outside plant or terminal grounds without crossing an offshore area or any waterway currently used for commercial navigation. The stay will remain in effect until modified or until the part 195 regulations are finally revised as a result of the present action.

Since announcement of the stay, we have not received any request to lift it. More important, last year we explained this new enforcement policy at two public meetings of the Technical Hazardous Liquid Pipeline Safety Advisory Committee, a statutory panel that reviews RSPA's pipeline safety program. We also explained our plan to revise the part 195 regulations to match the new policy. Neither the Committee members nor the public attendees raised any objection to the enforcement policy or planned rule change. Further, State agencies who cooperate with RSPA in enforcing safety standards over interfacility transfer lines have not objected to the stay.

E. The Rule Change

The present rulemaking action removes from the application of part 195 those low-stress interfacility transfer lines that are covered by the stay of enforcement. This rule change is achieved by revising § 195.1(b)(3) as set forth below. Besides the low-stress pipelines covered by the stay, revised § 195.1(b)(3) continues to exclude from part 195 the low-stress pipelines that were already excluded before the present action.

To make this rule change, rather than first publish a notice of proposed rulemaking as contemplated in the stay of enforcement, we are using the direct final rule procedure under 49 CFR 190.339. This new rulemaking procedure was not yet in effect when the stay was announced. Although this procedure does not provide for prior public notice and opportunity for comment, interested persons may participate as explained above under the ''Effective date'' heading. A direct final rule is appropriate in this case because, based on the history of the stay of enforcement, we believe the rule change is not controversial, is in the public interest, and is not likely to draw adverse comment.

III. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Policies and Procedures

The Office of Management and Budget (OMB) does not consider this action to be a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735; October 4, 1993). Therefore, OMB has not reviewed this final rule document. DOT does not consider this action significant under its regulatory policies and procedures (44 FR 11034; February 26, 1979).

RSPA prepared a study of the costs and benefits of the Final Rule that extended part 195 to cover certain low-stress pipelines (Final Regulatory Evaluation, Docket No. PS–117). That study, which encompassed short or Coast Guard regulated interfacility transfer lines, showed that the Final Rule would result in net benefits to society, with a benefit to cost ratio of 1.5.

The Final Regulatory Evaluation determined costs and benefits of the Final Rule on a mileage basis. But while costs were evenly distributed, most of the expected benefits were projected from accident data that did not involve short or Coast Guard regulated interfacility transfer lines. So, since the present action affects only these lines, it is reasonable to believe the action will reduce more costs than benefits. Thus, the present action should enhance the net benefits of the Final Rule. Because of this likely economic effect, a further regulatory evaluation of the Final Rule in Docket No. PS–117 or of the present action is not warranted.

B. Regulatory Flexibility Act

Low stress interfacility transfer lines covered by the present action are associated primarily with the operation

of refineries, petrochemical and other industrial plants, and materials transportation terminals. In general, these facilities are not operated by small entities. Nonetheless, even if small entities operate low-stress interfacility transfer lines, their costs will be lower because this action reduces compliance burdens. Therefore, based on the facts available about the anticipated impact of this rulemaking action, I certify, pursuant to section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this rulemaking action will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12612

RSPA has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 (52 FR 41685). RSPA has determined that the action does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Paperwork Reduction Act

This action reduces the pipeline mileage and number of operators subject to part 195. Consequently, it reduces the information collection burden of part 195 that is subject to review by OMB under the Paperwork Reduction Act of 1995. OMB has approved the information collection requirements of part 195 through May 31, 1999 (OMB No. 2137–0047).

List of Subjects in 49 CFR Part 195

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

In consideration of the foregoing, RSPA amends 49 CFR part 195 as follows:

PART 195—[AMENDED]

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

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. In § 195.1, the introductory text of paragraph (b) is republished, and paragraph (b)(3) is revised to read as follows:

§ 195.1 Applicability.

* * * * *

(b) This part does not apply to—

* * * * *

(3) Transportation through the following low-stress pipelines:

(i) An onshore pipeline or pipeline segment that—

(A) Does not transport HVL;

(B) Is located in a rural area; and

(C) Is located outside a waterway currently used for commercial navigation;

(ii) A pipeline subject to safety regulations of the U.S. Coast Guard; and

(iii) A pipeline that serves refining, manufacturing, or truck, rail, or vessel terminal facilities, if the pipeline is less than 1 mile long (measured outside facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation;

* * * * *

Issued in Washington, D.C., on June 4, 1997.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 97–14999 Filed 6–6–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards

CFR Correction

In title 49 of the Code of Federal Regulations, parts 400 to 999, revised as of October 1, 1996, in § 571.108 in paragraph S8.9 the last sentence should be removed and the following sentence reinstated and in paragraph S9 the last sentence should be revised. The reinstated and revised text should read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S8.9 Sealing. * * * If any water occurs on the interior or air escapes, the lamp is not a sealed lamp.

* * * * *

S9 Deflection test for replaceable light source. * * * Distance 'A' for a replaceable light source other than an HB Type shall be the dimension provided in accordance with Appendix A of part 564 of this chapter, section I.A.1 if the light source has a lower beam filament, or as specified in section I.B.1 if the light source has only an upper beam filament.

* * * * *

[FR Doc. 97–5555 Filed 6–6–97; 8:45 am]

BILLING CODE 1505–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 900833–1095; I.D. 052997D]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut and Red King Crab Bycatch Rate Standards for the Second Half of 1997

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

ACTION: Pacific halibut and red king crab bycatch rate standards; request for comments.

SUMMARY: NMFS announces Pacific halibut and red king crab bycatch rate standards for the second half of 1997. Publication of these bycatch rate standards is required under regulations implementing the vessel incentive program. This action is necessary to implement the bycatch rate standards for vessel operators who participate in the Alaska groundfish trawl fisheries. The intent of this action is to reduce prohibited species bycatch rates and promote conservation of groundfish and other fishery resources.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), July 1, 1997, through 2400 hours, A.l.t., December 31, 1997. Comments on this action must be received at the following address no later than 4:30 p.m., A.l.t., June 30, 1997.

ADDRESSES: Comments should be mailed to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel; or be delivered to 709 West 9th Street, Federal Building, Room 401, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, 907–586–7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) are managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutians Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act and are implemented by regulations