

contended that "compliance with the bumper standard interferes unreasonably with such 'special use' when compliance causes 'substantial economic hardship' to the (small volume manufacturer)." Elaborating on this concept, the organization observed that "(i)f the (small volume manufacturer) produces no vehicles (or fewer vehicles) because of the burdens of the standard, and thus incurs substantial economic hardship, the 'special usage' of the vehicles by the vehicles' owners is diminished or 'unreasonably interfered with.'"

COSVAM's final contention was that adoption of an exemption from the bumper standard will be a "significant step towards international harmonization from the perspective of the (small volume manufacturer)."

After a full and careful analysis of COSVAM's petition and its supporting rationale, NHTSA has decided to deny the petition. The agency notes that 49 U.S.C. 32502, the statute under which the bumper standard was issued, provides no basis for exempting vehicles on the grounds of economic hardship. Even if such a basis did exist, the agency notes that COSVAM did not provide any financial information demonstrating how compliance with the bumper standard causes substantial economic hardship to small volume manufacturers.

More significantly, COSVAM did not demonstrate that vehicles produced by small volume manufacturers are manufactured for a special use. The agency believes that an exotic car licensed and used on public roads cannot be considered a "special use" vehicle. Absent the showing of such a special use, and that compliance with the bumper standard would unreasonably interfere with that special use, there is no basis for exempting a vehicle from the standard under 49 U.S.C. 32502(c)(2).

NHTSA can only exempt a manufacturer from a bumper standard for reasons specified in section 32502(c). There is no implied authority for the agency to grant exemptions in situations not covered by that section. Courts have strictly construed the statutes administered by NHTSA in determining the scope of the agency's exemption granting authority. See, e.g., *Nader v. Volpe*, 475 F. 2d 916 (D.C. Cir., 1973), holding that the agency's authority to grant temporary exemptions from the Federal motor vehicle safety standards is limited to the explicit wording of the statute authorizing such exemptions, now codified at 49 U.S.C. 30113.

Finally, NHTSA does not believe that adoption of the requested exemption from the bumper standard will further the goals of international harmonization. Those goals are directed, in part, at reducing non-tariff barriers to trade, such as those that result from differences in test standards that apply to vehicles sold in various markets. Compliance with the bumper standard does not impose such an impediment to trade because it would not restrict the entry of a compliant vehicle into other markets.

For the reasons discussed above, NHTSA has concluded that it has no authority to amend 49 CFR part 581 to exempt small volume manufacturers from the bumper standard, as requested in COSVAM's petition.

Accordingly, that petition is denied.

Issued on June 25, 1997.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Fourth Quarterly Performance Review Meeting on the Contract "Detection of Mechanical Damage in Pipelines" (Contract DTRS-56-96-C-0010)

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

**ACTION:** Notice of meeting.

**SUMMARY:** RSPA invites the pipeline industry, in-line inspection ("smart pig") vendors, and the general public to the fourth quarterly performance review meeting of progress on the contract "Detection of Mechanical Damage in Pipelines." The meeting is open to anyone, and no registration is required. This contract is being performed by Battelle Memorial Institute (Battelle), along with the Southwest Research Institute, and Iowa State University. The contract is a research and development contract to develop electromagnetic in-line inspection technologies to detect and characterize mechanical damage and stress corrosion cracking. There will be a presentation on the status of the contract tasks, including a summary of the activity and progress during the past quarter and the projected activity for the next quarter.

**DATES:** The fourth quarterly performance review meeting will be held on July 24, 1997, beginning at 1:00 p.m. and ending around 5:00 p.m.

**ADDRESSES:** The quarterly review meeting will be held at the Adam's Mark Columbus Hotel, 50 Third Street, Columbus, Ohio 43215. The hotel's telephone number is (614) 228-5050.

**FOR FURTHER INFORMATION CONTACT:** Lloyd W. Ulrich, Contracting Officer's Technical Representative, Office of Pipeline Safety, telephone: (202) 366-4556, FAX: (202) 366-4566, e-mail: lloyd.ulrich@rspa.dot.gov.

### SUPPLEMENTARY INFORMATION:

#### I. Background

RSPA is conducting quarterly public meetings on the status of its contract "Detection of Mechanical Damage in Pipelines" (Contract DTRS-56-96-C-0010) because in-line inspection research is of immediate interest to the pipeline industry and in-line inspection vendors. RSPA will continue this practice throughout the contract, which may be up to three years. The meetings will allow disclosure of the results to all interested parties and will provide an opportunity for interested parties to ask Battelle questions concerning the research.

The first meeting was conducted on October 22, 1996, in Washington, DC. The second quarterly review meeting was held on January 14, 1997 in Houston, Texas, in parallel with a meeting of the Gas Research Institute's (GRI) Nondestructive Evaluation Technical Advisory Group to enable significant participation by pipeline operators and inspection vendors. The third quarterly review meeting was held in Washington on May 5, 1997 in advance of the May 6-7, 1997, meetings of RSPA's two technical advisory committees, the Technical Pipeline Safety Standards Committee for gas pipelines and the Technical Hazardous Liquid Pipeline Safety Standards Committee for hazardous liquid pipelines. This, the fourth meeting is being held in Columbus at the end of another meeting of the Gas Research Institute's (GRI) Nondestructive Evaluation Technical Advisory Group.

The research contract with Battelle is a cooperative effort between GRI and DOT, with GRI providing technical guidance.<sup>1</sup> It is anticipated that every other meeting will be conducted in Washington, DC. Future meetings may be conducted in San Antonio, Texas (Southwest Research Institute); Ames, Iowa (Iowa State University); or Chicago, Illinois (Gas Research Institute). Each of the future meetings

<sup>1</sup> See the notice of the first quarterly performance review meeting (61 FR 53484; Oct. 11, 1996) for information on the Memorandum of Understanding between DOT and GRI.

will be announced in the **Federal Register** at least two weeks prior to the meeting.

Attendance is open to all and does not require advanced registration nor advanced notification to RSPA. We specifically want that segment of the pipeline industry involved with in-line inspection to be aware of the status of this contract. To assure that the industry is well represented at these meetings, we have invited the major domestic in-line inspection company (Tuboscope-Vetco Pipeline Services) and the following pipeline industry trade associations: American Petroleum Institute, Interstate Natural Gas Association of America, and the American Gas Association. Each has named an engineering/technical representative.

## II. The Contract

The Battelle contract is a research and development contract to evaluate and develop in-line inspection technologies for detecting mechanical damage and cracking, such as stress-corrosion cracking (SCC), in natural gas transmission and hazardous liquid pipelines. Third-party mechanical damage is one of the largest causes of pipeline failure, but existing in-line inspection tools cannot always detect or accurately characterize the severity of some types of third-party damage that can threaten pipeline integrity. Although SCC is not very common on pipelines, it usually appears in high-stressed, low-population-density areas and only when a limited set of environmental conditions are met. Several attempts have been made to develop an in-line inspection tool for SCC, but there is no commercially successful tool on the market.

Under the contract, Battelle will evaluate and advance magnetic flux leakage (MFL) inspection technology for detecting mechanical damage and two electromagnetic technologies for detecting SCC. The focus is on MFL for mechanical damage because experience shows MFL can characterize some types of mechanical damage and can be successfully used for metal-loss corrosion under a wide variety of conditions. The focus for SCC is on electromagnetic technologies that can be used in conjunction with, or as a modification to, MFL tools. The technologies to be evaluated take advantage of the MFL magnetizer either by enhancing signals or using electrical currents that are generated by the passage of an inspection tool through a pipeline.

The contract includes two major tasks during the base two years of the

contract. Task 1 is to evaluate existing MFL signal generation and analysis methods to establish a baseline from which today's tools can be evaluated and tomorrow's advances measured. Then, it will develop improvements to signal analysis methods and verify them through testing under realistic pipeline conditions. Finally, it will build an experience base and defect sets to generalize the results from individual tools and analysis methods to the full range of practical applications.

Task 2 is to evaluate two inspection technologies for detecting stress corrosion cracks. The focus in Task 2 is on electromagnetic techniques that have been developed in recent years and that could be used on or as a modification to existing MFL tools. Three subtasks will evaluate velocity-induced remote-field techniques, remote-field eddy-current techniques, and external techniques for sizing stress corrosion cracks.

A Task 3 is being considered for an option year to the contract. Task 3, if done, will verify the results from Tasks 1 and 2 by tests under realistic pipeline conditions. Task 3 will (1) extend the mechanical damage detection, signal decoupling, and sizing algorithms developed in the basic program to include the effects of pressure, (2) verify the algorithms under pressurized conditions in GRI's 4,700 foot, 24-inch diameter Pipeline Simulation Facility (PSF) flow loop, and (3) evaluate the use of eddy-current techniques for characterizing cold working within mechanical damage.

A drawback of present pig technology is the lack of a reliable pig performance verification procedure that is generally accepted by the pipeline industry and RSPA. The experience gained by the pipeline industry and RSPA with the use of the PSF flow loop in this project will provide a framework to develop procedures for evaluating pig performance. Defect detection reliability is critical if instrumented pigging is to be used as an in-line inspection tool in pipeline industry risk management programs.

The ultimate benefits of the project could be more efficient and cost-effective operations, maintenance programs to monitor and enhance the safety of gas transmission and hazardous liquid pipelines. Pipeline companies will benefit from having access to inspection technologies for detecting critical mechanical damage and stress-corrosion cracks. Inspection tool vendors will benefit by understanding where improvements are beneficial and needed. These benefits will support RSPA's long-range

objective of ensuring the safety and reliability of the gas transmission and hazardous liquid pipeline infrastructure.

Issued in Washington, D. C. on June 25, 1997.

**Richard B. Felder**,

*Associate Administrator for Pipeline Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-508X]

#### Land Conservancy of Seattle and King County—Abandonment Exemption—in King County, WA

On June 11, 1997, The Land Conservancy of Seattle and King County (TLC) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-05<sup>1</sup> to abandon a line of railroad known as the Sammamish or Issaquah Branch, extending from milepost 7.30 near Redmond to the end of the line at milepost 19.75 in Issaquah, which traverses U.S. Postal Service ZIP Codes 98027, 98029, 98052 and 98053, a distance of 12.45 miles, in King County, WA. TLC has indicated that there are no stations on the line.

TLC states that the line contains approximately 1 mile of federally granted right-of-way. Any documentation in TLC's possession will be made available promptly to those requesting it.

In this proceeding, TLC is proposing to abandon a line that constitutes its entire rail system. In issuing abandonment authority for a railroad line that constitutes the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. See *Northampton and Bath R. Co.—Abandonment*, 354 I.C.C. 784, 785-86 (1978) (*Northampton*). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in *Northampton* are present, under Board policy no labor protective conditions would be imposed.

<sup>1</sup> TLC seeks exemptions from the offer of financial assistance (OFA) requirements of 49 U.S.C. 10904 and the public use requirements of 49 U.S.C. 10905. Exemptions from 49 U.S.C. 10904-05 have been granted from time to time, but only when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service.