DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RSAC–96–1, Notice No. 6]

Railroad Safety Advisory Committee (''RSAC''); Working Group Activity Update

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

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) Working Group Activities.

SUMMARY: FRA has decided to begin publishing regular announcements of RSAC working group activities and status reports. This announcement constitutes the first such status report.

FOR FURTHER INFORMATION CONTACT: Vicky McCully, FRA, 400 7th Street, S.W. Washington, D.C. 20590, (202) 632–3330, Grady Cothen, Deputy Associate Administrator for Safety Standards Program Development, FRA, 400 7th Street, S.W., Washington, D.C. 20590, (202) 632–3309, or Lisa Levine, Office of Chief Counsel, FRA, 400 7th Street, S.W., Washington, D.C. 20590, (202) 632–3189.

SUPPLEMENTARY INFORMATION: In order to ensure that all concerned persons are aware of the tasks the RSAC is addressing, and to enable those persons who may not be RSAC or working group members to follow progress on those tasks, FRA has decided to begin publishing regular announcements of RSAC working group activities and status reports. These reports will be published following each meeting of the full RSAC, which currently are occuring on a quarterly basis. Accordingly, this first announcement will serve to inform the public of the status of each of the working groups created under the RSAC since its creation in March 1996, whether or not they are currently operative. Hereafter, these announcements will be limited to the communication of current working group activities only.

The Federal Railroad Administration (''FRA'') has presented ten (10) tasks to the Railroad Safety Advisory Committee (''RSAC'') since its creation. Working groups have been established to execute all ten (10) of these tasks. A few of the tasks have been completed, and recommendations presented to the agency. Only one task has had to be withdrawn from the RSAC due to the failure of the parties to reach consensus on any recommendations to the Administrator.

Since its first meeting in April of 1996, the RSAC has been presented with, and accepted, the following tasks (detailed status and contact information is provided for each) :

- *(1) Reviewing and recommending revisions to the regulations governing Power Brake Systems for Freight Equipment (49 CFR Part 232)* (Task accepted April 2, 1996. Working Group established. Ten (10) working group meetings held. Eight to ten (8–10) separate task force meetings held. Task withdrawn June 24, 1997 due to the working group members' inability to reach consensus);
- *(2) Reviewing and recommending revisions to the Track Safety Standards (49 CFR Part 213)* (Task accepted April 2, 1996. Working Group established. Six meetings held. Consensus reached on recommended revisions. NPRM incorporating these recommendations published in **Federal Register** on 7/3/97. ''Track Safety Standards;Miscellaneous Revisions,'' 62 FR 36138);
- *(3) Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR Part 220)* (Task accepted April 2, 1996. Working Group established. Ten (10) meetings held. Consensus reached on recommended revisions. NPRM incorporating these recommendations published in the **Federal Register** on 6/26/97. ''Railroad Communications; Notice of Proposed Rulemaking,'' 62 FR 34544);
- *(4) Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads* (Task accepted April 2, 1996. Working Group established. One (1) meeting held.);
- *(5) Reviewing and recommending revisions to Steam Locomotive Inspection standards (49 CFR Part 230)* (Tasked to existing Tourist and Historic Working Group (THWG) on July 24, 1996. Six (6) Task Force meetings held.);
- *(6) Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR Part 240)* (Task accepted October 31, 1996. Working Group established. The working group has met 6 times since this task was assigned, and plans to next meet the week of October 6, 1997.);
- *(7) Developing On-Track Equipment Safety Standards (new regulation)* (This was tasked to the existing Track Standards Working Group on October 31, 1996. The Task Force has met 2 times since this task was assigned);
- *(8) Developing Crashworthiness Specifications to promote the integrity of the locomotive cab in accidents resulting from collisions. (New regulation) (Task accepted June 24, 1997. A working group is being established to begin the work required to execute this task);*
- *(9) Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate. (New regulation)* (Task accepted June 24, 1997. A working group is being established to begin the work required to execute this task).
- *(10) Developing Event Recorder Data Survivability standards (New regulation)* (Task accepted June 24, 1997. A working group is being established to begin the work required to execute this task).

If you have any questions about any of these working groups please refer to the following list of FRA contacts who can assist you with questions regarding any of the above-listed tasks:

(1) *Power Brake Working Group*—Michael Huntley (202) 632–3366 or Thomas Herrmann (202) 632–3178;

(2) *Track Safety Standards Working Group*—Al McDowell (202) 632–3344 or Nancy Lewis (202) 632–3174;

(3) *Radio Communications Working Group*—Gene Cox (202) 632-3504 or Patti Sun (202) 632–3183;

(4) *Tourist and Historic Working Group*—Grady Cothen (202) 632-3306 or Lisa Levine (202) 632–3189;

(5) *Steam Inspection Standards Task Force*—George Scerbo (202) 632–3363 or Lisa Levine (202) 632–3189;

(6) *Locomotive Engineer Certification Working Group*—John Conklin (202) 632–3372 or Alan Nagler (202) 632–3187;

(7) *On-Track Equipment Safety Standards Task Force*—Al McDowell (202) 632–3344 or Nancy Lewis (202) 632–3174;

(8) *Locomotive Crashworthiness Working Group*—Michael Huntley (202) 632–3366 or Lisa Levine (202) 632–3189;

(9) *Locomotive Crew Working Conditions Working Group*—Michael Huntley (202) 632–3366 or Christine Beyer (202) 632–3177; and

(10) *Event Recorder Data Survivability Working Group*—Ron Newman (202) 632–3365 or Tom Phemister (202) 632–3181.

Please refer to the notice published in the **Federal Register** on March 11, 1996

(61 F.R. 9740) for more information about the RSAC.

Donald M. Itzkoff,

Deputy Administrator.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–97–2707; Notice 1]

Pipeline Safety: Liquefied Natural Gas Facilities Petition for Waiver; Applied LNG Technologies

Applied LNG Technologies (ALT) has petitioned the Research and Special Programs Administration (RSPA) for a waiver from compliance with certain provisions of 49 CFR part 193 for its Needle Mountain Liquefied Natural Gas (LNG) storage and truck loading facility at Topock, Arizona. This facility consists of two 50,000 gallon LNG storage tanks and a truck transfer system. It is piped to a liquefaction facility owned and operated by a subsidiary of El Paso Natural Gas. A transmission pipeline, owned by El Paso Natural Gas Company supplies Part 192 regulated gas to the El Paso liquefaction facility. ALT alleges that an extension of Part 193 jurisdiction to the Needle Mountain LNG storage and truck loading facility would be inconsistent with the language of Section 193.2001(a). Section 193.2001(a) states ''This part prescribes safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the Natural Gas Pipeline Safety Act of 1968 and Part 192 of this chapter''. ALT states that the Needle Mountain LNG storage and truck loading facility would not be transporting natural gas by pipeline. ALT further points out that Section 193.2001(b)(1) states ''This part does not apply to LNG facilities used by the ultimate consumer of LNG or natural gas''. ALT states that this facility would be loading LNG into tank trucks for delivery to commercial and industrial customers, thus, it is the ultimate consumer of LNG. Therefore, ALT alleges that the Needle Mountain LNG storage and loading facility is non-jurisdictional.

On May 16, 1997, the RSPA issued an Interpretation of Part 193 as it applies to the Needle Mountain LNG Storage and truck loading facility. LNG storage and truck loading facility is owned and operated by Applied LNG Technology, Inc. The liquefaction facility and piping is owned and operated by a subsidiary of El Paso natural gas. However, the land on which the storage facility sits is owned by El Paso Natural Gas. In that interpretation, RSPA stated that regardless of who owns or operates different sections of an LNG facility, it is subject to Part 193 in its entirety. Part 193 encompasses all parts of an LNG facility from the point at which it receives gas from a Part 192 regulated gas transmission pipeline through the liquefaction process, storage, and transfer into a motor carrier vehicle.

ALT now requests a waiver from compliance with certain sections of Part 193 and proposes to ensure equivalent safety through compliance with the National Fire Protection Association (NFPA) standard 59A. The specific sections of Part 193 for which ALT seeks a waiver are:

(1) *Section 193.2173—Water Removal:* § 193.2173(a) requires that except for Class 1 systems, impounding systems must have sump pumps and piping over the dike to remove water collecting in the sump basin.

NFPA 59A section 2–2.7 requires either sump pumps or gravity drainage for water removal, provided there is means to prevent the escape of LNG by way of the drainage system.

ALT's rationale for noncompliance: The impoundment area in this facility drains to a sump basin. A sump pump is not provided due to the arid location. In the rare event of rain in Topock, AZ, ALT does not expect to have standing water for any length of time.

RSPA would agree with ALT that a sump pump and piping are not necessary at this LNG facility due to the arid location only if ALT can demonstrate that there would be no standing water (i.e., proving ground is permeable) in the sump for any significant period. RSPA proposes to grant the waiver from § 193.2173 subject to the above condition.

(2) *Section 193.2209(b)(2)—Instrumentation for LNG storage tanks:* For LNG tanks with capacity of 70,000 gallons or less, § 193.2209(b)(2) requires pressure gages and recorders with high pressure alarm.

NFPA 59A 7–2.1 requires only a pressure gage.

ALT does not believe that safety has been compromised by requiring only a pressure gage, because any high pressure in the storage tank is controlled by a recompressor system within the ''facility'' that maintains the storage pressure at 20 psig. Any failure of this system places the entire storage facility in a ''fail safe'' (shut down) mode.

RSPA believes that recorders (at the storage tank site and possibly at the control center) and a high pressure alarm (at the control center) are essential in the event of the failure of the recompressor system. Although the entire storage facility will be placed in a shut down mode, there appears to be no way to prevent pressure from increasing in the LNG storage tank. This is especially important because this LNG storage facility will be an unattended operation. Therefore, RSPA is proposing not to grant a waiver from § 193.2209(b)(2).

(3) *Section 193.2321(a)—Nondestructive tests, Circumferential butt welds:* § 193.2321(a) requires that 100 percent of circumferential butt welded pipe joints in the cryogenic piping and 30 percent of circumferential butt welded pipe joints in the non-cryogenic piping be nondestructively tested.

NFPA 59A 6–6.3.2 requires all circumferential butt welds to be nondestructively tested, except that liquid drain and vapor vent piping with an operating pressure that produces a hoop stress of less than 20 percent of specified minimum yield stress (SMYS) need not be nondestructively tested, provided it has been inspected visually in accordance with the American Society of Mechanical Engineers (ASME)standard B31.3, Chemical Plant and Petroleum Refinery Piping, 344.2.

RSPA believes that safety is not compromised and is considering granting a waiver from § 193.2321(a) for the liquid drain and vapor vent piping with operating pressures that produce hoop stresses of less than 20 percent SMYS, if that piping complies with the NFPA 59A 6–6.3.2.

(4) *193.2321(e)—Nondestructive tests, Circumferential and longitudinal welds in metal shells of storage tanks:* § 193.2321(e) requires 100 percent of both longitudinal and circumferential butt welds in metal shells of storage tanks that are subject to cryogenic temperatures, and are under pressure, to be radiographically tested.

NFPA 59A 4–2.2.2 requires welded construction for shell in accordance with the ASME Code section VIII, and shall be ASME-stamped and registered with the National Board of Boiler and Pressure Vessels(NBBI)

ALT's rationale for requesting a waiver is that safety in this case is not compromised as ALT storage tanks are small, shop fabricated, and built to ASME Code. ASME Section VIII is an accepted standard to which cryogenic pressure vessels are built all over the world.

RSPA agrees that safety is not compromised by waiving the requirements of § 193.2321(e) for smaller pressure vessels (less than