

TABLE 1 TO SUBPART N OF PART 63—GENERAL PROVISIONS APPLICABILITY TO SUBPART N—Continued

General provisions reference	Applies to subpart N	Comment
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Subpart O—[Amended]		
7. Section 63.360 is amended by revising paragraph (f) to read as follows:		
§ 63.360 Applicability.		
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(f) The owner or operator of a source, subject to the provisions of the title 40, chapter I, part 63 subpart O, using 1 ton (see definition) is subject to title V permitting requirements. These affected sources, if not major or located at major sources as defined under 40 CFR 70.2, may be deferred by the applicable title V permitting authority from title V permitting requirements for 5 years after the date on which the EPA first approves a part 70 program (i.e., until December 9, 1999). All sources receiving deferrals shall submit title V permit applications within 12 months of such date (by December 9, 2000). All sources receiving deferrals still must meet compliance schedule as stated in this § 63.360.	subpart X is subject to title V permitting requirements. These affected sources, if not major or located at major sources as defined under 40 CFR 70.2, may be deferred by the applicable title V permitting authority from title V permitting requirements for 5 years after the date on which the EPA first approves a part 70 program (i.e., until December 9, 1999). All sources receiving deferrals shall submit title V permit applications within 12 months of such date (by December 9, 2000). All sources receiving deferrals still must meet compliance schedule as stated in § 63.546.	Region 4, North Superfund Remedial Branch, 345 Courtland Street NE., Atlanta, GA 30365, (404) 347-7791, extension 2030.
* * * * *	[FR Doc. 96-13825 Filed 6-3-96; 8:45 am] BILLING CODE 6560-50-P	SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Newport Dump Superfund Site, Wilder, Kentucky.
Subpart M—[Amended]		
8. Section 63.320 is amended by adding paragraph (k) to read as follows:		
§ 63.320 Applicability.		
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(k) The owner or operator of any source subject to the provisions of this subpart M is subject to title V permitting requirements. These affected sources, if not major or located at major sources as defined under 40 CFR 70.2, may be deferred by the applicable title V permitting authority from title V permitting requirements for 5 years after the date on which the EPA first approves a part 70 program (i.e., until December 9, 1999). All sources receiving deferrals shall submit title V permit applications within 12 months of such date (by December 9, 2000). All sources receiving deferrals still must meet compliance schedule as stated in this § 63.320.	40 CFR Part 300 [FRL-5512-1] National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List AGENCY: Environmental Protection Agency (EPA). ACTION: Notice of deletion of Newport Dump Superfund Site, Wilder, Kentucky, from the National Priorities List SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the deletion of the Newport Dump Superfund Site in Wilder, Kentucky, from the National Priorities List (NPL), {Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)}. EPA and the Commonwealth of Kentucky have determined that all appropriate Fund-financed responses under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, have been implemented and that no further cleanup is appropriate. Moreover, EPA and the Commonwealth of Kentucky determined that response actions conducted at the site to date have been protective of public health, welfare, and the environment. This deletion does not preclude future action under Superfund. EFFECTIVE DATE: May 31, 1996. FOR FURTHER INFORMATION CONTACT: Liza Montalvo, Remedial Project Manager, U.S. Environmental Protection Agency,	A Notice of Intent To Delete for this site was published on May 16, 1988 (SW-FRL-3380-7). A Revised Notice of Intent To Delete was published on March 8, 1996 (FRL-5436-5). The closing date for comments on the Revised Notice of Intent To Delete was April 17, 1996. EPA received no comments. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.
Subpart X—[Amended]		
9. Section 63.541 is amended by adding paragraph (c) to read as follows:		
§ 63.541 Applicability.		
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(c) The owner or operator of any source subject to the provisions of this		List of Subjects in 40 CFR Part 300 Environmental Protection, Air Pollution Control, Chemicals, Hazardous Waste, Hazardous Substances, Intergovernmental Relations, Penalties, Reporting and Recordkeeping Requirements, Superfund, Water Pollution Control, and Water Supply. Dated: May 21, 1996. A. Stanley Meiburg, Deputy Regional Administrator, U.S. EPA Region 4. For the reasons set out in the preamble, 40 CFR part 300 is amended as follows: PART 300—[AMENDED] The authority citation for Part 300 continues to read as follows: Authority: 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757; 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site Newport Dump, Newport, Kentucky.

[FR Doc. 96-13826 Filed 5-31-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 190, 191, 192 and 193**

[Docket PS-125; Notice 2]

RIN 2137-AC28

Regulatory Reinvention Initiative: Pipeline Safety Program Procedures; Reporting Requirements; Gas Pipeline Standards; and Liquefied Natural Gas Facilities Standards

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

ACTION: Final rule.

SUMMARY: This final rule changes various administrative practices in the pipeline safety program and makes minor modifications to requirements for gas detection, protective enclosures, and pipeline testing temperatures. These changes will eliminate unnecessary or overly burdensome requirements, and reduce costs in the pipeline industries without compromising safety.

EFFECTIVE DATE: The effective date of this final rule is July 3, 1996. However, affected parties will not have to comply with the information collection requirements in 49 CFR 193.2819(f) and 193.2907 (a) and (b) until the DOT publishes in the Federal Register the Control Numbers assigned by the Office of Management and Budget (OMB) to these collection of information requirements. Publication of the Control Numbers notifies the public that OMB has approved these requirements under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: L.E. Herrick, (202) 366-5523 or online at herrickl@rspa.dot.gov regarding the subject matter of this final rule, or the Dockets Unit, (202) 366-5046, regarding copies of this final rule or other information in the docket.

SUPPLEMENTARY INFORMATION:**Background**

In a memorandum dated March 4, 1995, the President provided direction to the heads of Departments and agencies on carrying out his Regulatory Reform Initiative for reinventing the government. As part of this initiative,

RSPA established a program to review existing pipeline safety regulations in order to identify those that were outdated or in need of reform.

On April 5, 1995, RSPA published a notice in the Federal Register soliciting comments from the pipeline industry as well as other interested parties (60 FR 17295, April 5, 1995). RSPA also conducted three outreach meetings in 1995 in Dallas, TX, Lakewood CO, and Houston, TX. Many comments were received both at the outreach meetings and in response to the Federal Register notice.

As a result of these comments, RSPA revisited this rulemaking which began in 1992. On November 6, 1992, RSPA published a notice of proposed rulemaking (NPRM) (57 FR 53085, November 6, 1992) proposing changes to parts 190, 191, 192 and 193. The comment period closed on December 7, 1992. RSPA received comments from 22 regulated pipeline companies, three pipeline trade associations, one consultant, one technical committee, and two state agencies (29 total comments received).

RSPA also requested a review of the proposal affecting natural gas facilities by mail balloting from the Technical Pipeline Safety Standards Committee (TPSSC). This 15-member committee was established by statute to consider the feasibility, reasonableness, and practicability of all proposed pipeline safety regulations.

After initial balloting, each TPSSC member reviewed the ballots and comments of each of the other members, and had the option to change his or her initial vote or comment if desired. Although some TPSSC members did not vote on every proposed change, a majority of TPSSC members found all the changes adopted by this rule to be technically feasible, reasonable, and practicable.

Changes to Part 190 Requirements**Section 190.203 Inspections**

Section 190.203(c) currently requires that, after an Office of Pipeline Safety (OPS) inspection, an operator must respond to a "Request for Specific Information within 30 days." RSPA proposed amending this section to increase the time to 45 days. The increase would enable the operator to provide RSPA with more complete information to use in evaluating inspection results.

RSPA received 19 comments from operators, State regulatory agencies and trade groups in response to this proposal. All commenters agreed that the time period should be extended. In

addition, one commenter suggested that a further extension be granted to cases involving detailed "specific information" that may require longer than 45 days to gather.

RSPA Response

RSPA believes that 45 days will usually be adequate. In situations where more time is required the Regional Director has the authority to extend the time allowed for a response. Therefore, the revision is adopted as proposed.

Section 190.209 Response Options

RSPA proposed deleting section 190.209(c). Section 190.209(c) currently allows a respondent to offer a compromise to a Notice of Probable Violation and Proposed Civil Penalty by submitting a check or money order for the amount offered to the Regional Director who forwards the offer to the Associate Administrator, OPS for action. If the Associate Administrator, OPS, accepts the offer in compromise, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If an offer in compromise is rejected, it is returned to the respondent with written notification.

RSPA received 19 comments from operators, State regulatory agencies and trade groups on the proposed deletion of § 190.209(c). Most commenters agreed with the proposed deletion. Two commenters disagree with the proposed deletion, preferring to retain the option and stating that § 190.209(c) does not place an undue regulatory burden upon industry.

All commenters observed that the deletion also affects § 190.209(a)(2) and §§ 190.227 (a), (b), and (d) and that these sections should also be revised for consistency.

RSPA Response

Under current Federal policy, assessment of a penalty is not contemplated until after a finding of violation. As a result, RSPA has not routinely resolved cases without such findings. The submission of a check prior to establishing a finding of violation unnecessarily restricts a company's cash flow during the pendency of the enforcement case. Therefore, RSPA is adopting this provision as proposed. In addition, RSPA is adopting the commenters' suggestions concerning §§ 190.209(a)(2); 190.227(a); 190.227(b); and 190.227(d).

Section 190.211(b)

Section 190.211(b) currently provides that in circumstances deemed