

Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. * Elevation in feet (NGVD)
LOUISIANA				Maps are available for inspection at the Cameron County Engineering Office, 805 West Price Road, Brownsville, Texas.	
Delhi (Town), Richland Parish (FEMA Docket No. 7250)		Approximately 200 feet downstream of Ash Street	*967	WYOMING	
<i>Bayou Macon:</i>		<i>Tributary 1:</i>		East Thermopolis (Town), Hot Springs County (FEMA Docket No. 7254)	
Approximately 1 mile downstream of U.S. 80	*77	Approximately 150 feet downstream of U.S. Highway 82	*975	<i>Bighorn River:</i>	
Approximately 0.5 mile upstream of U.S. 80	*77	Approximately 270 feet upstream of Fifth Street	*997	At the northwesternmost corporate boundary, approximately 500 feet downstream of Broadway Street	*4,320
Maps are available for inspection at 202 Broadway, Delhi, Louisiana.		Approximately 2,150 feet upstream of Seventh Street ..	*1,020	At the southwestern corporate boundary, approximately 720 feet upstream of Broadway Street	*4,323
OKLAHOMA		<i>Tributary 2:</i>		Maps are available for inspection at the Town of East Thermopolis Town Hall, 112 East Warren, Thermopolis, Wyoming.	
Osage County (Unincorporated Areas) (FEMA Docket No. 7254)		Approximately 150 feet downstream of Ash Street	*971	(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")	
<i>Horsepin Creek:</i>		Approximately 1,100 feet upstream of Ash Street	*995	Dated: October 26, 1998.	
Approximately 1,400 feet downstream of Southern Pacific Railroad	*637	<i>Tributary 3 Emergency Spillway:</i>		Michael J. Armstrong,	
Approximately 310 feet downstream of Southern Pacific Railroad	*638	At confluence with Tributary 3	*965	<i>Associate Director for Mitigation.</i>	
Approximately 1,060 feet upstream of Southern Pacific Railroad	*643	Approximately 900 feet downstream of Sixth Street	*1,000	[FR Doc. 98-29133 Filed 10-29-98; 8:45 am]	
Maps are available for inspection at 628 Kinnekah, Pawhuska, Oklahoma.		<i>Tributary 3:</i>		BILLING CODE 6718-04-P	
TEXAS		At confluence with Tributary 3 Emergency Spillway	*965	DEPARTMENT OF TRANSPORTATION	
Mount Pleasant (City), Titus County (FEMA Docket No. 7250)		Approximately 1,200 feet upstream of confluence with Tributary 4	*1,018	Research and Special Programs Administration	
<i>Hart Creek Tributary:</i>		<i>Tributary 4:</i>		49 CFR Part 177	
Approximately 1,300 feet downstream of Alexander Road	*322	At confluence with Tributary 3	*1,007	[Docket No. RSPA-97-2905 (HM-166Y)]	
Approximately 130 feet upstream of State Highway 49	*359	Approximately 180 feet upstream of confluence with Tributary 3	*1,008	RIN 2137-AC41	
Approximately 290 feet downstream of West Sixth Street	*407	Maps are available for inspection at the City of Muenster City Hall, 400 North Main, Muenster, Texas.		Transportation of Hazardous Materials; Miscellaneous Amendments; Response to Petitions for Reconsideration	
<i>Tributary 1:</i>		South Padre Island (Town), Cameron County (FEMA Docket No. 7250)		AGENCY: Research and Special Programs Administration (RSPA), DOT.	
At confluence with Hart Creek Tributary	*330	<i>Gulf of Mexico:</i>		ACTION: Final rule; response to petitions for reconsideration.	
Approximately 1,300 feet upstream of confluence with Hart Creek Tributary	*344	Approximately 150 feet north-east of intersection of Gulf Street and Gulf Boulevard	*12	SUMMARY: On July 10, 1998, RSPA published a final rule under Docket RSPA-97-2905 (HM-166Y) which amended the HMR by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiative. The intent of the final rule was to provide relief from certain regulatory requirements and to update and clarify certain other requirements. In this document, RSPA denies three petitions for reconsideration to the July 10, 1998 final rule concerning the	
<i>Tributary 2:</i>		Approximately 500 feet north-east of intersection of Gulf Street and Gulf Boulevard	*16		
At confluence with Hart Creek Tributary	*358	<i>Laguna Madre:</i>			
Approximately 1,900 feet upstream of Stark Street	*370	At intersection of Palm Street at Laguna Boulevard	*8		
<i>Tributary 3:</i>		Maps are available for inspection at the Town of South Padre Island Building Department, 4405 Padre Boulevard, South Padre Island, Texas.			
At confluence with Hart Creek Tributary	*377	Cameron County (Unincorporated Areas) (FEMA Docket No. 7250)			
Approximately 1,620 feet upstream of West First Street	*384	<i>Gulf of Mexico:</i>			
Maps are available for inspection at the City of Mount Pleasant Public Works Facility, 1412 North Washington, Mount Pleasant, Texas.		Approximately 850 feet south of Old Queen Isabella Causeway	*12		
Muenster (City), Cooke County (FEMA Docket No. 7250)		Approximately 600 feet north-east of the northern corporate limits	*16		
<i>Brushy Elm Creek:</i>		<i>Laguna Madre:</i>			
Approximately 400 feet downstream of Eddy Road	*957	Approximately 4,000 feet south of Old Queen Isabella Causeway	*8		
Approximately 150 feet downstream of U.S. Highway 82	*963	Approximately 2,000 feet west of Padre Boulevard ..	*8		

amendments relating to IM portable tanks.

DATES: Effective October 30, 1998.

FOR FURTHER INFORMATION CONTACT: Joan McIntyre, Office of Hazardous Materials Standards, (202) 366-8553, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: On July 10, 1998, RSPA published a final rule under Docket RSPA-97-2905 (HM-166Y) (63 FR 37454) which amended the HMR by incorporating a number of miscellaneous changes. The effective date of the final rule was October 1, 1998, but compliance with all the changes made in the rule was permitted beginning August 25, 1998.

The third sentence in 49 CFR 177.834(h) reads: "Discharge of contents of any container, other than a cargo tank, must not be made prior to removal from the motor vehicle." The final rule contains a revision to relax § 177.834(h) and to add a new paragraph (o) to permit an IM portable tank to be unloaded while remaining on a transport vehicle with the power unit attached, if the tank meets the outlet requirements in § 178.345-11 and is attended during the unloading, as currently required for cargo tank motor vehicles under § 177.834(i). Section 178.345-11(b)(1)(iii) requires that the remote means of closure must be capable of thermal activation when required by part 173 for materials which are flammable, pyrophoric, oxidizing, or poisonous liquids. This important safety feature provides for the valve to close in a fire situation, without operator intervention.

After publication of the final rule, RSPA received three petitions for reconsideration addressing the revisions to § 177.834. The three petitioners, the Tank Container Association (TCA), Merck & Co., Inc. and the Hazardous Materials Advisory Council (HMAC) requested that RSPA reconsider the October 1, 1998 mandatory compliance date. The petitioners contend that most existing IM portable tanks are not fitted with a fusible link, as prescribed in § 178.345-11, and that fitting the IM portable tanks with the device by October 1, 1998, is not feasible. All three petitioners stated that fusible links are not available from the IM portable tank valve suppliers. The petitioners' request for an extension of the compliance date ranged from one year to five years. In addition, HMAC requested that RSPA defer implementation of § 177.834(o) and enforcement of current § 177.834(h).

TCA stated in its comments to the notice of proposed rulemaking under Docket RSPA-97-2905 that compliance with the requirement in § 178.345-11(b)(1)(iii) for the remote means to be capable of thermal activation was not possible. On September 2, 1998, RSPA representatives met with TCA representatives and a representative from Fort Vale Engineering Limited, a manufacturer of IM portable tank valves, to obtain additional information on TCA's comment concerning compliance with § 178.345-11(b)(1)(iii). These industry representatives stated that the fusible links for IM portable tanks were not available until recently and that time would be needed to field test and install the devices on the tanks.

RSPA disagrees with the petitioners' requests. Delaying the October 1, 1998 effective date would deny the relief provided in the final rule, that is, the ability to unload an IM portable tank while it remains on a motor vehicle. RSPA understands that many IM portable tanks do not currently conform to the provisions in the final rule. However, this is not a basis for denying relief to operators of IM portable tanks which now, or in the near future, will conform to the new provisions. Further, RSPA does not believe there is any basis for granting HMAC's request for a one year deferral of enforcement of § 177.834(h). RSPA believes that unloading an IM portable tank in the same manner as a cargo tank, but without the same outlet requirements, would pose increased safety risks in a fire situation when an operator is not able to manually activate the closure. Accordingly, under authority of 49 U.S.C. 5101-5127; 49 CFR 1.53, the three petitions for reconsideration are denied.

Issued in Washington, DC, on October 26, 1998, under the authority delegated in 49 CFR part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.

[FR Doc. 98-29178 Filed 10-29-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 199

[Docket RSPA-97-2995, Notice No. 6]

Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations Alcohol Misuse Prevention Program

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

ACTION: Announcement of random drug testing rate.

SUMMARY: RSPA has received and evaluated the 1997 Management Information System (MIS) Data Collection forms for the drug testing of pipeline industry personnel. The RSPA determined that the random positive drug testing rate for the pipeline industry for the period of January 1, 1997, through December 31, 1997, is 0.7 percent. Therefore, the minimum random drug testing rate will be maintained at 25 percent of covered pipeline employees for the period of January 1, 1999, through December 31, 1999.

DATES: Effective January 1, 1999 through December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Catrina Pavlik, Drug/Alcohol Program Analyst, Research and Special Programs Administration, Office of Pipeline Safety, Room 7128, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-6199, Fax: (202) 366-4566, e-mail: catrina.pavlik@RSPA.dot.gov. Information is also available on the Office Pipeline Safety's internet home pages at 'OPS.dot.gov.'

SUPPLEMENTARY INFORMATION: In a final rule published on December 23, 1993 (58 FR 68257), RSPA announced that it would require operators of gas, hazardous liquid and carbon dioxide pipelines, and liquefied natural gas facilities, who are subject to 49 CFR parts 192, 193 and 195, to implement, maintain, and submit an annual report of their drug testing program data. Operators with 51 or more covered employees are required to submit this information on an annual basis. Operators with 50 or fewer covered employees are required to maintain this information, and RSPA randomly selected 100 operators in this category to submit their data. The drug testing statistical data is essential for RSPA to analyze its current approach to deterring and detecting illegal drug abuse in the