spectrum cap is appropriate with respect to small business that are licensees of the broadband PCS, cellular and/or SMR services. We also request comment on whether retention, modification or elimination of the cellular cross-interest rule is appropriate with respect to small businesses that are cellular licensees.

vi. *Federal rules which overlap, duplicate, or conflict with these proposed rules:*

None.

B. Ex Parte Rules—Permit-But-Disclose Proceedings

58. This is a permit-but-disclose notice and comment rulemaking proceeding. Ex parte presentations are permitted except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. *See generally* 47 CFR 1.1201, 1203, and 1.1206(a).

C. Comment Dates

59. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before *January 25, 1999,* and reply comments on or before *February 10, 1999.* Comments and reply comments should be filed in WT Docket No. 98–205. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24,121 (1998).

60. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. Comments and reply comments should be filed in WT Docket No. 98–205. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address.'' A sample form and directions will be sent in reply.

61. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W.; TW-A325; Washington, D.C. 20554.

62. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to the Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, Room 700, 2100 M Street, N.W., Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labelled with the commenter's name, proceeding (Docket No.98–205), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

D. Initial Paperwork Reduction Act of 1995 Analysis

63. This Notice of Proposed Rulemaking does not contain a proposed information collection.

E. Ordering Clauses

64. It ordered that, pursuant to the authority of sections 1, 4(i), 10, 11, 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 160, 161, 303(g), and 303(r), this *Notice of Proposed Rulemaking* is hereby *adopted*.

65. *It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, *shall send* a copy of this *Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subject in 47 CFR Parts 20 and 22

Communications common carriers.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–33775 Filed 12–21–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 193

[Docket No. RSPA–97–3002; Notice 2]

RIN 2137–AD11

Pipeline Safety: Incorporation of Standard NFPA 59A in the Liquefied Natural Gas Regulations

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to replace substantive portions of siting, design, construction, equipment and fire protection provisions of Liquefied Natural Gas (LNG) regulations and incorporate by reference the American National Standards Institute (ANSI), National Fire Protection Association (NFPA) Standard 59A (1996 edition), titled ''Standards for the Production, Storage and Handling of Liquefied Natural Gas (LNG)''. This document proposes to amend remaining LNG regulations including some operation and maintenance requirements. These proposed changes are intended to enable operators to utilize current technology, materials, and practices, thereby reducing costs and enhancing economic growth. These changes will eliminate unnecessary or burdensome requirements while maintaining current levels of safety. The proposed rule is consistent with the President's goals of regulatory reinvention and improvement of customer service.

DATES: Interested persons are invited to submit comments on this notice of proposed rulemaking (NPRM) by March 22, 1999. Late filed comments will be considered to the extent practicable.

ADDRESSES: Written comments on the subject of this document must be submitted in duplicate to the Dockets Facility, U.S. Department of Transportation, 400 Seventh Street, SW, Plaza 401, Washington, DC 20590–0001. Comments should identify the docket and document number stated in the heading of this document. Alternatively, comments may be submitted via e-mail to ''ops.comments@rspa.dot.gov.'' The docket facility is open from 9:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. All comments received will be electronically scanned into the docket and will be accessible at http://dms.dot.gov. General information about the RSPA/Office of Pipeline Safety programs can be reviewed by accessing OPS's homepage at http://ops.dot.gov.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366–4571, or by e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this proposed rule, or the Dockets Facility (202) 366–9329, for copies of this document or other material in the docket.

SUPPLEMENTARY INFORMATION:

I. Background

On August 26, 1996, the NFPA petitioned RSPA, requesting that the substantive portions of 49 CFR Part 193 be replaced with ANSI/NFPA 59A (1996 edition), titled ''Standards for the Production, Storage and Handling of Liquefied Natural Gas (LNG)''. The petition specifically recommends removing the Subparts on siting, design, construction, equipment and fire protection, and instead referencing chapters 1 through 9 of the ANSI/NFPA 59A (1996 edition). The petition recommends retaining the Subparts on operation, maintenance, personnel qualification and training, and security, with some minor changes.

The existing Federal safety standards for LNG facilities were developed as a result of the Pipeline Safety Act of 1979, now re-codified in 49 United States Code Section 60103. In 1979, Congress determined that the public would be better served if the US Department Of Transportation (DOT) developed its own standards for the LNG industry. Prior to July 1, 1976, no Federal standards for LNG facilities existed. The existing standard, specifically dealing with the LNG industry that is associated with the pipeline facilities, was issued as a Final Rule on February 11, 1980 [45 FR 9203] and now appears at 49 CFR Part 193. Between July 1, 1976 and February 11, 1980, LNG facilities were required to follow ANSI/NFPA 59A (1972 edition) and Part 192.

In 1974, the Office of Pipeline Safety (OPS) hired Arthur D. Little consulting firm (ADL) to conduct a study on safety information on LNG facilities. The ADL produced a report titled ''Technology and Current Practices for Processing, Transferring, and Storing Liquefied Natural Gas,'' which included a comparative analysis of national, state, local, industrial, and professional society codes, standards, practices and regulations relating to LNG facilities. The study identified and analyzed many areas of public concern about the operation of LNG facilities. It also addressed many practices and functions where precautions were needed to protect persons and property. The study found that ANSI/NFPA 59A was the basis for practically all national, state, and local codes for LNG facilities. Therefore, OPS used the ANSI/NFPA 59A, in part, as a basis for existing Federal standards.

A report issued on July 31, 1978, by the General Accounting Office titled ''Liquefied Energy Gases'' highlighted some of the safety concerns in the transportation and storage of LNG. Foremost among those were: (1) protection of persons and property near an LNG facility from thermal radiation caused by ignition of a major spill of LNG, (2) protection of persons and property near an LNG facility from dispersion and delayed ignition of a natural gas cloud arising from a major spill of LNG, and (3) reduction of the potential for a catastrophic spill of LNG.

OPS identified many deficiencies in the pre-1980 LNG standards which needed to be corrected to reduce the potential for a major spill of LNG and provide an acceptable level of safety. Because of the difference in format and the need for regulatory language to facilitate enforcement, a few sections of ANSI/NFPA 59A were restated for their adoption in Part 193.

There have been significant changes in the ANSI/NFPA 59A since 1980. Because ANSI/NFPA 59A is revised on a regular basis, and because that revision process includes input from a wide variety of experts and a broad representation of interests, the 1996 edition of the ANSI/NFPA 59A includes the latest developments in LNG facility design and safety. Many of these developments have not been incorporated into Part 193, and therefore, Part 193 lags behind the ANSI/NFPA 59A (1996 edition). The format and language of the ANSI/NFPA 59A has also changed significantly, over the years, to facilitate enforcement.

The NFPA provides the following justification in support of its petition:

1. Adopting ANSI/NFPA 59A by reference will further the long standing federal policy in favor of adoption and use by federal agencies of privately developed voluntary consensus standards. The Office of Management and Budget Circular A–119, issued in 1982, later updated on October 16, 1993, establishes that policy in the interests of greater economy and efficiency.

2. The adoption and use of a voluntary consensus standard such as ANSI/NFPA 59A offers substantial benefits. It provides an effective means for government to draw on the energies and talents of private citizens to produce timely, high quality standards. Members of the 59A technical committee are regulators from DOT, Federal Energy Regulatory Commission, Coast Guard, and state, insurance interests, special experts, operators, contractors and fire department personnel. This ensures the input of a wide variety of experts and interests.

3. The method used to update the regulations through the availability of a regular revision cycle produces new editions of ANSI/NFPA 59A every three to five years.

4. The ANSI/NFPA 59A (1996 edition) includes the latest developments in LNG facility design and safety. Many of these developments have not been incorporated into 49 CFR Part 193 as it currently exists. The following are some of those significant provisions in the ANSI/NFPA 59A (1996 edition) which either are not addressed or are inadequately addressed in the existing Part 193:

—Provisions that provide alternate siting criteria for American Society of Mechanical Engineers (ASME) containers that are equipped with product retention valves meeting ANSI/NFPA 59A. Such valves have already been used in the propane industry for two, or more decades, and have considerably reduced the frequency of incidents in propane facilities.

—ANSI/NFPA 59A continually reexamines with each review cycle criteria for a seismic investigation and criteria to design and construct seismically capable structures. Current seismic criteria in ANSI/NFPA 59A reflects state-of-the art design, unlike the 20 year old requirements currently in Part 193.

—ANSI/NFPA 59A incorporated requirements that better specify the load bearing insulation under LNG tanks. These new provisions include additional temperature monitoring requirements that will assure the long term integrity of the load bearing insulation.

—New enhanced welding requirements in ANSI/NFPA 59A are more inclusive (e.g. weld examination requirements were strengthened to improve reliability) and the language is more comprehensible than that in Part 193.

—Requirements for soil heating in the ANSI/NFPA 59A were expanded to include replaceable temperature sensors to protect them from conditions which could cause failure, such as corrosion and moisture penetration.

—New text, in ANSI/NFPA 59A, clearly describes the requirements associated with sealing an electrical conduit to prevent the migration of gas past a seal. This amendment was the result of a serious incident in which pressurized gas migrated past a seal

and entered an area containing a source of ignition.

OPS has been very active in incorporating by reference voluntary consensus standards in its regulations. OPS participates on various voluntary committees to jointly develop consensus standards, including the ANSI/NFPA 59A technical committee for many years. The existing Part 193 references some provisions of ANSI/NFPA 59A in eight different locations. Recent amendments to the LNG regulations [(February 25, 1997; 62 FR 8402) and (August 1, 1997; 62 FR 41311)] have brought Part 193 closer to ANSI/NFPA 59A. Unlike older editions of the ANSI/NFPA 59A, text in the current standard is in a regulatory format making it more suitable for adoption. Most of the amendments regarding design, siting, construction and equipment in 49 U.S.C. 60103 have been incorporated in the ANSI/NFPA 59A.

Adoption of ANSI/NFPA 59A in Part 193 will maintain current levels of safety and allow industry flexibility in applying latest technology. Based on the above discussion factors and taking into account potential benefits to Federal and State regulators, the LNG industry, and most of all, to public safety, RSPA decided to consider the possible adoption of ANSI/NFPA 59A into Part 193.

On November 19, 1997, and May 5, 1998, RSPA briefed the Technical Pipeline Safety Standards Committee (TPSSC) on the NFPA petition and progress of the proposed rule. On April 29, 1997, RSPA and NFPA staff briefed the National Association of Pipeline Safety Regulators (NAPSR) on the same subject. In November 1997, NAPSR formed an LNG Part 193 review committee to provide recommendations on which requirements of Part 193 should be retained. On February 17–18, and April 21–22, 1998, RSPA held meetings with the NAPSR LNG Part 193 committee to receive their input on changes to current regulations.

On March 31, 1998, RSPA held a meeting of representatives of the LNG industry, State and local governments, and the public to gather information on experiences with the current Federal LNG safety regulations, and with the ANSI/NFPA 59A, and to solicit comments and suggestions. On April 22, 1998, RSPA had a joint meeting with NFPA, American Gas Association (AGA) and the NAPSR LNG review committee to discuss technical differences between Part 193 and ANSI/NFPA 59A. On May 22, 1998, RSPA briefed NAPSR on the input provided by the NAPSR LNG review committee and the status on this proposed rule.

II. Proposed Rule

Reference to ANSI/NFPA 59A (1996 edition) is proposed for Subparts B through E with some exceptions, rather than current requirements of Part 193, because ANSI/NFPA 59A covers the same subjects and reflects current technology and practice. RSPA is retaining those requirements in Subparts B through E where ANSI/NFPA 59A does not adequately address an issue. RSPA proposes to amend 49 CFR Part 193 by revising Subparts A through J as set forth below.

Subpart A—General

Section 193.2001 Scope of Part

This section has been revised to include reference to ANSI/NFPA 59A in paragraph (a) as follows:

(a) This part and Chapters 1–9 of ANSI/NFPA 59A (1996 edition) prescribe safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the pipeline safety laws (49 U.S.C. 60101 et seq.) and Part 192 of this chapter. In the event of a conflict, the requirements of this part prevail.

No changes have been made to paragraph (b).

Section 193.2003 Semisolid Facilities

Semisolid facilities have never been built and it appears unlikely any will be built. Therefore, RSPA proposes to delete this section.

Section 193.2005 Applicability

A new paragraph (a) stating new or amended standards in this proposed rule would not apply to existing Part 193 regulated LNG facilities or LNG facilities under construction before these standards become effective, has been added. Subsequent paragraphs have been renumbered with minor corrections.

Section 193.2007 Definitions

Although many terms are adequately defined in ANSI/NFPA 59A, many identical definitions have been retained in Part 193 for application in Subparts where ANSI/NFPA 59A does not apply. However, RSPA proposes to make some changes to current definitions for clarification as shown below.

Reference to underground caverns has been deleted from the text since it has not been proven practical to store LNG in an underground cavern.

Reference to semisolid or solidifying LNG has been deleted throughout the text, since no semisolid facilities exist and none are planned.

Sections 193.2009 through 193.2017 have been retained. These Sections relate to Rules of regulatory construction, Reporting, Incorporation by reference, and Plans and procedures.

Section 193.2019 Mobile and Temporary LNG Facilities

This section is retained. Although it already references ANSI/NFPA 59A for mobile LNG facilities, there is an additional requirement in the current regulations, which requires that the State where the mobile LNG facility is to be located must be provided with at least two weeks advance notice.

Subpart B—Siting Requirements

RSPA proposes to delete siting requirements in this Subpart and replace them by referencing ANSI/NFPA 59A, with the following exceptions:

Section 193.2051 Scope

This paragraph would be retained with some revised language as it clearly prescribes which LNG facilities need siting. ANSI/NFPA 59A does not specify where siting is needed, and therefore, may cause misinterpretation.

Section 193.2057 Thermal Radiation Protection

Paragraphs (a), (b)(1), (b)(2), (b)(3), (b)(5), (c) and (d) have been retained. There are some differences between the thermal exclusion zone requirements in ANSI/NFPA 59A and Part 193. ANSI/NFPA 59A does not take into consideration the wind speed and ambient temperature which occur 95% of the time as defined in the Paragraphs (b)(2) and (b)(3). Paragraph (b)(4) is deleted because differences between the thermal exclusion zone distances predicted for pure methane and those for LNG with a higher heating value are not significant and will have no bearing on safety.

The method of calculating the exclusion distances for levels of radiant exposure as described in paragraph (c) of the current regulations is being changed from the model ''LNGFIRE I'' to ''LNGFIRE III''. This improved ''Windows'' version of the computer model ''LNGFIRE III'' for calculating exclusion distances corrects small errors that appeared in the earlier ''DOS'' version of the ''LNGFIRE I'' model and is available from the Gas Research Institute.

Reference to flux correlation factor ''f'' and its numerical values in the offsite target table in paragraph (d) has been deleted. Also, in the same table under item 6 the phrase ''if closer to (P)'' has

been deleted. Both terms have no use under the current regulations.

Section 193.2059 Flammable Vapor-gas Dispersion Protection

Paragraphs (a) and (b) have been retained. Paragraphs (c) and (d) have been revised, and Paragraph (e)—Planned vapor control has been deleted. One important difference between the two codes is that the lower flammable concentration limit at the outer boundary of the flammable vapor cloud is 2.5% for Part 193 and 5% for ANSI/NFPA 59A. Another difference involves design spill duration. Part 193 requires a minimum 10 minute spill, whereas NFPA 59A does not have a minimum spill time requirement. Other changes made in the section are: (1) the atmospheric temperature to be used in the model has been changed from 0° C (32° F) to a more realistic 80° F (27° C); (2) dispersion coordinates y and z have been deleted because they are no longer required in running the DEGADIS model; (3) the elevation for contour (receptor) output H has been specified as 0.5 meters; and (4) a reference height of 10 meters is specified for measuring wind speed. Specifying the above parameters will produce more accurate DEGADIS model results.

Section 193.2061 Seismic Investigation and Design Forces

This section has been replaced in its entirety and instead ANSI/NFPA 59A will be referenced. The seismic criteria in Part 193 are 20 years old, whereas the requirements in ANSI/NFPA 59A reflect current technology. Part 193 requires a seismic evaluation of an LNG facility if it is located at a site in Zone 2, 3 or 4 of the Seismic Risk Map of the U.S., whereas ANSI/NFPA 59A requires seismic evaluation for all LNG facilities. In addition, ANSI/NFPA 59A requires two levels of ground motions, safe shutdown earthquake (SSE) and operating basis earthquake (OBE). The Federal Energy Regulatory Commission (FERC) also has similar requirements as ANSI/NFPA 59A. Part 193 provides no specific performance basis, whereas, ANSI/NFPA 59A does; one for SSE and another for OBE.

Section 193.2063 Flooding

This section has been retained. ANSI/NFPA 59A does not address flooding.

Section 193.2067 Wind Forces

This section is retained with changes. ANSI/NFPA 59A does not take into consideration uncertainties associated with high winds such as hurricanes. RSPA believes LNG storage tanks must be designed to withstand high wind speeds. However, the 200 mph wind speed design in the current rule is excessive and has been changed to 150 mph. Most hurricane wind speeds, according to a study by one expert, are less than 150 mph.

Section 193.2069 Other Severe Weather and Natural Conditions

This section is retained because it covers conditions such as avalanches or mud slides that are not addressed in ANSI/NFPA 59A. Paragraph (a) has been revised.

Section 193.2071 Adjacent Activities

Paragraph (a) has no meaning. Paragraph (b) addresses offsite facilities and is not discussed in ANSI/NFPA 59A. Therefore, paragraph (b) is retained and paragraph (a) is deleted.

Subpart C—Design

Section 193.2101 Scope

This section has been revised to include reference to ANSI/NFPA 59A.

Section 193.2119 Records

This item is retained. Part 193 requires test data to be retained even after the item is retested. Some valuable information on the history of an item could be lost if this part 193 requirement was deleted.

Section 193.2125 Automatic Shutoff Valves

This requirement is retained because it requires avoidance of fluid hammer, and because Part 193 has a better definition of the term 'fail-safe'.

Section 193.2149 Impoundment Required

Except for paragraph (e) this section is retained because it requires impounding areas along transfer piping and around parking areas for loaded LNG trucks. Paragraph (e) would be deleted because it refers to NFPA 30 which does not cover flammable liquefied gases—such as those used as refrigerants at LNG plants.

Section 193.2155 Structural Requirements

Paragraph (a) of this section contains more detailed requirements than ANSI/NFPA 59A, therefore is retained. Paragraph (b) is deleted due to ambiguities regarding what is implied by a ''credible release of the tank contents.'' Paragraph (c) is revised to prohibit location of LNG storage tanks within a horizontal distance of one mile from the ends or ¼ mile from the nearest point of the runway, whichever is longer. For the height of the structures in the vicinity of an airport, operators must review Federal Aviation Administration requirements in 14 CFR 1.1.

Section 193.2159 Floors

This section is retained. Reference to classes of impounding systems has been deleted and 'covered impoundment' are exempted from this requirement. No equivalent is found in ANSI/NFPA 59A. Paragraphs (a) and (b) have been revised and paragraph (c) and (d) have been deleted.

Section 193.2161 Dikes, General

Paragraph (a) is retained because it prohibits any penetration through dike walls. RSPA believes seals around pipes may deteriorate and not prevent LNG from leaking past dikes required in ANSI/NFPA 59A. Part of the sentence in Paragraph (b) is deleted as it is no longer relevant.

Section 193.2167 Covered Systems

This section is retained. There are some existing facilities with this system.

Section 193.2171 Sump Basins

This requirement is retained by substituting the term 'covered' for 'Class 1'.

Section 193.2173 Water Removal

Existing paragraphs (a) and (b) in this section are revised. ANSI/NFPA 59A allows water to be removed from impounding areas by natural drainage through penetrations in the impounding area floors or dike. This section requires water removal by sump pumps and specifies what pump capacities are required. A strict application of this section could cause some operators to install very large capacity pumps to handle precipitation that is expected to occur only once every ten years. The intent of the regulation is to keep impounding areas as free of standing water as is practical. The probability of these two events: LNG in the impoundment area and heavy rainfall occurring concurrently is very small. It is anticipated that allowing operators to remove the water at 25% of the rate currently stated would have little affect on public safety. Therefore, this section is modified accordingly.

Section 193.2175 Shared Impoundment

This section is retained. The requirement to prevent low temperature or fire exposure resulting from leakage from any one of the tanks served causing any other storage tank to leak is not prohibited in ANSI/NFPA 59A.

Section 193.2179 Impoundment Capacity: General

Paragraph (b) in this section is revised to require adequate capacity where displacement could occur when water or snow enters the impoundment system.

Section 193.2181 Impoundment Capacity: LNG Storage Tanks

This section is revised to require a minimum volumetric holding capacity of the impoundment area of: (a) 110 percent of the LNG tank's maximum liquid capacity for an impoundment area serving a single tank; or (b) 100 percent of all tanks or 110 percent of the largest tank's maximum liquid capacity, whichever is greater, for an impoundment area serving more than one tank. If the dike is designed to account for a surge in the event of catastrophic failure, then the impoundment capacity may be reduced to 100 percent in lieu of 110 percent.

Section 193.2183 Impoundment Capacity: Equipment and Transfer Systems

This section is revised for clarification. The phrase 'but not less than 10 minutes' is added at the end of (b). This inconsistency was causing confusion among operators.

Section 193.2185 Impoundment Capacity: Parking Area, Portable Containers

This section is retained because it is not addressed in the ANSI/NFPA 59A.

Section 193.2187 General

This section is retained because it is not addressed in the ANSI/NFPA 59A.

Section 193.2191 Stratification

This section is retained because it requires operators to provide means for mitigating the potential for a rollover. All of the wording after ''rollover and over pressure'' is deleted because LNG plant designers are familiar with rollover prevention methods. ANSI/NFPA 59A has no similar requirement.

Section 193.2205 Frost Heave

Only part of this requirement is retained because it requires continuous monitoring of tank foundation systems; ANSI/NFPA 59A only requires periodic checking. Other portions are addressed more effectively in ANSI/NFPA 59A.

Section 193.2207 Insulation

It is important to retain paragraph (a) because the application of insulation to the outer shell of an LNG storage tank could cause the temperature of the outer shell to fall so low that the metal could become brittle. Paragraph (b) has been deleted as it is covered in ANSI/NFPA 59A.

Section 193.2209 Instrumentation for LNG Storage Tanks

This section is retained as it is not adequately covered in ANSI/NFPA 59A. Also, ANSI/NFPA 59A does not require any recorders, which RSPA believes are essential for continuous monitoring. RSPA believes electronic data collection is equivalent to recorders. Item (6) in the table of paragraph (a) is deleted because it lacks technical justification. Paragraph (c) is unnecessary, and is therefore deleted.

Subpart D—Construction

Section 193.2303 Construction Acceptance and Section 193.2304 Corrosion Control Overview are retained. No equivalent appears in ANSI/NFPA 59A.

Section 193.2305 Procedures

This section is retained to provide safety during construction, operation and maintenance of the LNG facility.

Section 193.2307 Inspection

Paragraph (b) is deleted, but paragraphs (a) and (c) are retained because no equivalent requirements in ANSI/NFPA 59A.

Sections 193.2309 and 193.2311 are retained because there are no equivalent requirements in ANSI/NFPA 59A.

Section 193.2315 Piping Connections would be amended by retaining paragraphs (b) and (c) and deleting all other paragraphs.

Section 193.2317 Retesting is retained. ANSI/NFPA 59A addresses retesting on tanks only.

Section 193.2321 Nondestructive Tests

Paragraph (a) is retained with an exception for liquid drain and vapor vent piping that operate at less than 20% of SMYS. A new paragraph (b) has been added which states that liquid drain and vapor vent piping that operate at less than 20% of SMYS is not required to be nondestructively tested provided it has been visually inspected in accordance with the ASME B31.3. Paragraph (e) is renamed as paragraph (c) with a minor correction to the ASME reference. Radiographic testing of the butt welds in metal shells of storage tanks was incorrectly referenced to ASME Section IX, in lieu of Section VIII Division 1. One hundred percent (100%) radiographic examination on tanks less than 70,000 gallons is essential for cryogenic liquids, therefore, retained. The remaining paragraphs are deleted.

Sections 193.2325 and 193.2329 are retained because no equivalent requirements exist in ANSI/NFPA 59A.

Subpart E—Equipment

Sections 193.2407, 193.2409 and 193.2413 addressing operational control, shutoff valves and combustion air intakes are amended to retain paragraphs 193.2407(a), 193.2409(b) and 193.2413(a). These requirements are not covered in the NFPA standards. The remaining paragraphs in the preceding sections will be deleted.

Sections 193.2417 through 193.2421 addressing liquefaction equipment are retained. No similar requirements appear in ANSI/NFPA 59A.

In §§ 193.2427 through 193.2445 on Control Systems, requirements not addressed in ANSI/NFPA 59A are retained, the remaining sentences are deleted. Paragraph (a) in Section 193.2427—General is deleted as not needed under the current rule. In Section 193.2429—Relief valves first sentence of paragraph (a), and paragraphs (c)(2), (e), and (f) are retained, the remaining requirements are deleted. Section 193.2431—Vents is deleted. Paragraph (a)(1) in Section 193.2433—Sensing devices is retained, and paragraphs (a)(2) and (b) are deleted. Section 193.2435—Warning devices is retained because it covers all sensing devices; ANSI/NFPA 59A covers only fire protection sensors. Paragraphs (a)(1) and (a)(2) in section 193.2437—Pumps an compressor control are retained as these requirements cover all pumps and compressors. Except for a small clarification in (a)(1), Section 193.2439 on emergency shutdown control systems is retained as it requires automatic shutdown in case of major process upset, a leak, or a fire. Section 193.2441—Control center is retained. Requirement in Section 193.2443–Fail-safe control is enforceable unlike ANSI/NFPA 59A's, therefore, it is retained. Section 193.2445—Sources of power is retained, as it is not addressed in the ANSI/NFPA 59A.

Subpart F—Operations

This subpart is retained.

Section 193.2521 Operating Records

This section is modified to include how long different types of records must be kept.

Subpart G—Maintenance

This subpart is retained with the following changes:

Section 193.2609 Support Systems

An inspection time frame is added.

Section 193.2611 Fire Protection is retained with an additional important requirement from the ANSI/NFPA 59A that operators will be required to have a maintenance program for all plant fire protection equipment.

Section 193.2619 Control Systems is retained with a minor change in the paragraph (c). Internal shutoff valves have been included along with other control system components to be inspected and tested yearly.

Section 193.2639 Maintenance Records

In addition to requirements in this section a reference to ANSI/NFPA 59A is added.

Subpart H—Personnel qualification and training, is retained.

Subpart I—Fire Protection

Except for the following sections, RSPA proposes to replace this entire subpart by referencing ANSI/NFPA 59A Chapters 2 and 9.

Section 193.2801 Scope is retained with some revised language.

In Section 193.2807 Smoking, paragraph (c) about 'No Smoking' signs is retained, and paragraphs (a) and (b) are deleted.

Section 193.2813 Storage of Flammable Fluids is retained. These requirements are broader in scope than similar requirements in ANSI/NFPA 59A.

Section 193.2817 Fire Equipment

Certain requirements in this section are modified to retain important safety features not adequately addressed in ANSI/NFPA 59A. This section is revised to include only one paragraph.

Section 193.2819 Gas Detection

This section is modified to retain only the most important requirements by deleting paragraphs (a), (c) and (f). Existing paragraphs (b), (d) and (e) have renumbered as (a) (b) and (c).

Section 193.2821 Fire Detection

In addition to the current requirement for an audible alarm in the area of fire detection, reference to ANSI/NFPA 59A has been added. All other requirements have been deleted.

Subpart J—Security

This subpart is retained.

Appendix A to Part 193 is retained.

RSPA believes the proposed rule improves public safety and is better for the LNG industry because the revised requirements incorporate current technology and state-of-the-art safety standards.

III. Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

The Department of Transportation (DOT) 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, it was not received by the office of Management and Budget. This proposal is not significant under DOT's regulatory policies and procedures (44 FR 11034: February 26, 1979).

This proposal would amend 49 CFR 193 by replacing substantive sections of the current regulation with ANSI/NFPA Standard 59A, titled ''Standard for the Production, Storage and Handling of Liquefied National Gas (LNG)''. The purpose of this adoption is to enable operators to utilize current technology, materials, and practices, thereby reducing costs and enhancing national growth. This change to Part 193 will eliminate unnecessary and burdensome requirements. Further the adoption of industry standards is consistent with the President's goals of regulatory reinvention and improvement of customer service to the American people. Adoption of industry standards also meets the goals of OMB's Budget Circular A–119, ''Federal Participation in the Development and Use of Voluntary Standards,'' promoting adoption of voluntary consensus standards wherever possible.

The NFPA has a standing committee which regularly reviews ANSI/NFPA 59A. RSPA has a representative on this committee, and RSPA sought the committee's input in several discussions concerning the adoption of ANSI/NFPA 59A into Part 193. Members of the ANSI/NFPA 59A technical committee include: RSPA, Federal Energy Regulatory Commission, Coast Guard, State governments, insurance interests, contractors, and fire departments. Representation by this group ensures that essentially all interests involved in LNG safety issues have been represented in this standard. The NFPA has over 67,000 individual members and includes over 100 national trade and professional groups. Its goal as an organization is to reduce the burden of fire on the quality of life by advocating scientifically based consensus codes and standards, research, and education for fire safety issues.

As mentioned above, there should be little to no cost to the industry to adopt these regulations as LNG operators are already well aware of these standards and they are already being implemented by the industry. In fact adoption of this proposal should actually reduce the costs to industry as the main purpose of this proposal is to allow the adoption of newer technology that was not anticipated when the earlier LNG regulations were promulgated. Because this proposal does not represent any new burden to the industry and in fact will reduce costs, RSPA believes that a regulatory evaluation of this proposal is unnecessary. Furthermore, this proposed adoption meets the guidelines of Federal Government policy discussed above while reducing the administrative burdens on industry and allowing for the use of the latest technology and practices.

Regulatory Flexibility Act

As discussed above, RSPA is proposing the revision of part 193 by replacing substantive portions of this subpart with the adoption of consensus industry standards developed by the NFPA. These safety standards are well known and have been implemented by operators of LNG facilities throughout the United Sates. The replacement of portions of Part 193 with the ANSI/NFPA 59A standard should in fact reduce costs of the present regulations to LNG operators (including any small operators) and allow the use of more current technologies as mentioned in the previous section of this preamble. Nonetheless, RSPA is particularly interested in receiving comments from any small business operators believing otherwise. Based on the discussion above that show that this proposal will reduce the costs of the present LNG regulations, while allowing for use of the latest technology, I certify pursuant to Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605) that the action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612

This rule will not have substantial direct effects on states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 12612 (52 FR 41685; October 30, 1987), RSPA has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 13084

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (''Consultation and Coordination with Indian Tribal Governments'').

Because this rule would not significantly or uniquely affect the communities of the Indian tribal governments, the funding and consultation requirements of this Executive Order do not apply.

Paperwork Reduction Act

This rule does not substantially modify the paperwork burden on LNG industry. OPS does not believe that LNG industry will have any additional paperwork burden because of this proposed adoption of ANSI/NFPA 59A, and therefore no separate paperwork submission is required.

Unfunded Mandates

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

National Environmental Policy Act

RSPA has analyzed this action for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and has determined that this action would not significantly affect the quality of the human environment. An Environmental Assessment and a Finding of No Significant Impact are in the docket.

Impact on Business Processes and Computer Systems

Many computers that use two digits to keep track of dates will, on January 1, 2000, recognize ''double zero'' not as 2000 but as 1900. This glitch, the Year 2000 problem, could cause computers to stop running or to start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 Conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem.

This NPRM does not propose business process changes or require modifications to computer systems. Because this NPRM apparently does not affect organizations' ability to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the proposed requirements in this NPRM.

List of Subjects in 49 CFR Part 193

Construction, Design, Equipment, Fire protection, Incorporation by reference, Liquefied natural gas, Maintenance, Operation, Pipeline safety, Reporting and recordkeeping, and Siting requirements.

Accordingly, RSPA proposes to amend 49 CFR 193 as follows:

PART 193—[AMENDED]

1. The authority citation for part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60111, 60118 and 49 CFR 1.53.

Subpart A—General

2. In § 193.2001 paragraph (a) would be revised to read as follows:

§ 193.2001 Scope of part.

(a) This part and Chapters 1–9 of ANSI/NFPA 59A (1996 edition) prescribe safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the pipeline safety laws (49 U.S.C. 60101 *et seq.*) and part 192 of this chapter. In the event of a conflict, the requirements of this part prevail.

* * * * *

§ 193.2003 [Removed and Reserved]

3. Section 193.2003 would be removed and reserved.

4. Section 193.2005 would be amended by adding a new paragraph (a) and by redesignating existing paragraphs (a), (b) and (c) as paragraphs (b), (c) and (d) respectively. Newly designated paragraphs (b) through (d) would be revised as follows:

§ 193.2005 Applicability.

(a) New or amended standards referred to in this part do not apply to existing [Part 193 regulated] LNG facilities or LNG facilities under construction before [effective date of the final rule].

(b) Standards issued between February 11, 1980, and [effective date of the final rule] in this part governing the siting, design, installation, or construction of an LNG facility and related personnel qualification and training do not apply to LNG facilities for which application for approval of the siting, construction, or operation was filed before March 1, 1978, with the Department of Energy (or any predecessor organization of that Department) or the appropriate State or local agency in the case of any facility not subject to the jurisdiction of the Department of Energy under the Natural Gas Act (not including any facility the construction of which began after November 29, 1979, not pursuant to such an approval).

(c) If an LNG facility listed in paragraph (a) of this section is replaced, relocated or significantly altered after February 11, 1980, the replacement, relocated facility must comply with the applicable requirements of this part governing, siting, design, installation, and construction, except that:

(1) The siting requirements apply only to LNG storage tanks that are significantly altered by increasing the original storage capacity or relocated, not pursuant to an application for approval filed as provided by paragraph (b) of this section before March 1, 1978; and

(2) To the extent compliance with the design, installation, and construction requirements would make the replaced, relocated, or altered facility incompatible with the other facilities or would otherwise be impractical, the replaced relocated, or significantly altered facility may be designed, installed, or constructed in accordance with the original specifications for the facility, or in a manner that the Administrator finds acceptable.

(d) The siting, design, installation and construction of an LNG facility under construction before February 11, 1980, or that is listed in paragraph (b) of this section (except a facility under construction before July 1,1976) must meet the applicable requirements of ANSI/NFPA 59A (1972 edition) and part 192 standards of this chapter or the application requirements of this part, except that no part 192 standard issued after March 1, 1978, applies to an LNG facility listed in paragraph (b) of this section.

5. Section 193.2007 would be amended by removing terms ''including an underground cavern'' from definition of Storage tank, ''or solidifying'' from definition of LNG facility, and ''or semisolid'' from definitions of Liquefied natural gas or LNG, Vaporization, and Vaporizer.

Subpart B—Siting Requirements

6. Section 193.2051 is revised to read as follows:

§ 193.2051 Scope.

This subpart and ANSI/NFPA 59A (1996 edition) prescribe siting requirements for the following LNG facilities: Containers and their impounding systems, transfer systems and their impounding systems, emergency shutdown control systems, fire control systems, and associated foundations, support systems, and

normal or auxiliary power facilities necessary to maintain safety.

§ 193.2055 [Removed and Reserved]

7. Section 193.2055 is removed and reserved.

8. Section 193.2057 would be amended by removing paragraph (b)(4) and redesignating paragraph (b)(5) as (b)(4), and revising newly designated paragraph (b)(4), paragraphs (c)(1) and (d) to read as follows:

§ 193.2057 Thermal radiation protection.

* * * * *

(b) * * *

(4) The height of the flame base should be that of any dike or containment in relation to the horizontal reference plane. The height of the target shall be in relation to the same reference plane.

(c) * * *

(1) The method of calculating the exclusion distance for levels of radiant exposure listed in paragraph (d) of this section shall be the method described in the Gas Research Institute's (GRI) report GRI–0176, which is also available as the ''LNGFIRE III'' computer program produced by GRI.

* * * * *

(d) Limiting values for incident radiant flux on offsite targets. The maximum incident radiant flux at an offsite target from burning of a total spill in an impounding space must be limited to the distances in paragraph (c) of this section using the following values of ''Incident flux':

Offsite target	Incident flux Btu/ ft^2 hour
(1) Outdoor areas occupied by 20 or more persons during normal use, such as beaches, playgrounds, outdoor theaters, other recreation areas or other places of public assembly	1,600
(2) Buildings that are used for residences, or occupied by 20 or more persons during normal use.	4,000
(3) Buildings made of cellulosic materials or that are not fire resistant or do not provide durable shielding from thermal radiation that:	
(i) Have exceptional value, or contain objects of exceptional value based on historic uniqueness identified in Federal, State, or local registers;	
(ii) Contain explosive, flammable, or toxic materials in hazardous quantities; or	
(iii) Could result in additional hazard if exposed to high levels of thermal radiation	4,000
(4) Structures that are fire resistant and provide durable shielding from thermal radiation that have the characteristics described in paragraphs (3)(i) through (3)(iii) above	6,700
(5) Public streets, highways, and mainlines of railroads	6,700
(6) Other structures, or the right-of-way line of the facility	10,000

9. Paragraph (a) in § 193.2059 would be amended by removing the phrase ''paragraph (e) of''. Paragraphs (c)(2) through (c)(4) and (d)(1) introductory text, (d)(1)(i) and (d)(2) would be revised and paragraph (e) would be removed to read as follows:

§ 193.2059 Flammable vapor-gas dispersion protection.

* * * * *

(c) * * *

(2) Dispersion conditions are a combination of those which result in longer predicted downwind dispersion distances than other weather conditions to the site at least 90 percent of the time, based on U.S. Government weather data, or as an alternative where the model used gives longer distances at lower wind speeds, Atmospheric Stability (Pasquill Class) F, wind speed = 4.5 miles per hour (2.01 meters/sec) at reference height of 10 meters, relative humidity equals 50.0 percent, and atmospheric temperature = 80° F(27° C).

(3) The elevation for contour (receptor) output H = 0.5 meters.

(4) A surface roughness factor of 0.03 meters shall be used. Higher values for the roughness factor may be used if it can be shown that the terrain both upwind and downwind of the vapor cloud has dense vegetation and that the vapor cloud height is more than ten times the height of the obstacles encountered by the vapor cloud.

(d) * * *

(1) Vaporization results from the spill caused by an assumed rupture of a single transfer pipe (or multiple pipes designed to deliver the same flow) which has the greatest overall flow capacity, discharging at the maximum potential capacity, in accordance with the following conditions:

(i) The rate of vaporization is not less than the sum of flash vaporization and vaporization from boiling by heat transfer from contact surfaces during the time necessary for spill detection, instrument response, and automatic shutdown by the emergency shutdown system but, not less than 10 minutes plus, in case of impounding systems for LNG storage tanks with side or bottom penetration, the time necessary for the liquid level in the tank to reach a level of penetration or equilibrate with the liquid impounded. In the case of storage tanks with an internal shutoff valve, the time necessary for spill detection and response of not less than one (1) hour must be used.

* * * * *

(2) If surfaces are insulated, the insulation must be designed, installed, and maintained so that it will retain its performance characteristics under spill conditions.

§ 193.2061 [Removed and Reserved]

10. Section 193.2061 is removed and reserved.

§ 193.2065 [Removed and Reserved]

11. Section 193.2065 is removed and reserved.

12. Section 193.2067 would be amended by revising paragraphs (b)(2) introductory text and (b)(2)(i) to read as follows:

§ 193.2067 Wind forces

* * * * *

(b) * * *

(2) For all other LNG facilities:

(i) An assumed sustained wind velocity of not less than 150 miles per hour, unless the Administrator finds a lower velocity is justified by adequate supportive data; or

* * * * *

13. Section 193.2069 would be amended by revising paragraph (a) to read as follows:

§ 193.2069 Other severe weather and natural conditions.

(a) In addition to the requirements of seismic investigation, flooding, soil characteristics, and wind forces, each operator shall determine from historical records and engineering studies the worst effect of other weather and natural conditions which may predictably occur at an LNG facility site.

* * * * *

14. Section 193.2071 would be revised to read as follows:

§ 193.2071 Adjacent activities.

An LNG facility must not be located where present or projected offsite activities would be reasonably expected to adversely affect the operation of any of its safety control systems, cause failure of the facility, or cause the facility to fail to meet the requirements of this part.

§ 193.2073 [Removed and Reserved]

15. Section 193.2073 would be removed and reserved.

Subpart C—Design

16. Section 193.2101 would be revised to read as follows:

§ 193.2101 Scope.

This subpart and ANSI/NFPA 59A (1996 edition) prescribe requirements for the selection and qualification of materials for components, and for the design and installation or construction of components and buildings, including separate requirements for impounding systems, LNG storage tanks, and transfer systems.

§§ 193.2103—193.2119 [Removed and Reserved]

17. Sections 193.2103 through 193.2119 would be removed and reserved.

§§ 193.2121—193.2123 [Removed and Reserved]

18. Sections 193.2121 through 193.2123 would be removed and reserved.

§§ 193.2127—193.2147 [Removed and Reserved]

19. Sections 193.2127 through 193.2147 would be removed and reserved.

§ 193.2149 [Amended]

20. Section 193.2149 would be amended by removing paragraph (c).

§§ 193.2151 and 193.2153 [Removed and Reserved]

21. Sections 193.2151 and 193.2153 would be removed and reserved.

22. Section 193.2155 would be amended by removing paragraph (b), redsignating paragraph (c) as paragraph (b), and revising paragraph (a) introductory text and newly designated paragraph (b) to read as follows:

§ 193.2155 Structural requirements.

(a) The structural parts of an impoundment system must be designed and constructed to prevent impairment of the system's performance reliability and structural integrity as a result of the following:

* * * * *

(b) An LNG storage tank must not be located within a horizontal distance of one mile (1.6 km) from the ends, or ¼ mile (0.4 km) from the nearest point of a runway, whichever is longer. For the height of structures in the vicinity of an airport, operators must also review Federal Aviation Administration requirements in 14 CFR Section 1.1.

§ 193.2157 [Removed and Reserved]

23. Section 193.2157 would be removed and reserved.

24. Section 193.2159 would be revised to read as follows:

§ 193.2159 Floors.

(a) Except for covered impoundment systems, floors of impounding systems must, to the extent feasible—

(1) Slope away from the component or item impounded and to a sump basin installed under § 193.2171.

(2) Slope away from the nearest adjacent component;

(3) Drain surface waters from the floors at rates specified in § 193.2173.

(b) Penetration of floors of an impounding system for piping or any other purpose is prohibited.

25. Section 193.2161 would revised to read as follows:

§ 193.2161 Dikes, general.

(a) Penetration in dikes to accommodate piping or any other purpose is prohibited.

(b) An outer wall of a component served by an impounding system may not be used as a dike except for a concrete wall.

§§ 193.2163, 193.2165 and 193.2169 [Removed and reserved]

26. Sections 193.2163, 193.2165 and 193.2169 would be removed and reserved.

27. Section 193.2171 would be revised to read as follows:

§ 193.2171 Sump basins.

Except for covered impounding systems, a sump basin must be located in each impounding system for collection of water.

28. Section 193.2173 would be amended by revising paragraphs (a) and (b) to read as follows:

§ 193.2173 Water removal.

(a) Except for covered systems, impounding systems must have sump pumps and piping running over the dike to remove water collecting in the sump basin.

(b) The water removal system must have adequate capacity to remove water at a rate equal to 25% of the maximum predictable collection rate from a storm of 10-year frequency and 1-hour duration, and other natural causes. For rainfall amounts, operators must use the ''Rainfall Frequency Atlas of the United States'' published by the National Weather Service of the U.S. Department of Commerce.

* * * * *

29. Section 193.2179 would be amended by revising paragraph (b) to read as follows:

§ 193.2179 Impoundment capacity: general.

* * * * *

(b) Where applicable, displacement which could occur when water or snow enters the impounding system.

30. Section 193.2181 would be revised to read as follows:

§ 193.2181 Impoundment capacity: LNG storage tanks.

Each impounding system serving an LNG storage tank must have a minimum volumetric liquid impoundment capacity of:

(a) 110 percent of the LNG tank's maximum liquid capacity for an impoundment serving a single tank;

(b) 100 percent of all tanks or 110 percent of the largest tank's maximum liquid capacity, whichever is greater, for the impoundment serving more than one tank; or

(c) If the dike is designed to account for a surge in the event of catastrophic failure, then the impoundment capacity may be reduced to 100 percent in lieu of 110 percent.

31. Section 193.2183 would be amended by revising paragraph (b) to read as follows:

§ 193.2183 Impoundment capacity: equipment and transfer systems.

* * * * *

(b) The maximum volume of liquid which could discharge into the impounding space from any single failure of equipment or piping during the time period necessary for spill detection, instrument response, and sequenced shutdown by the automatic shutdown system under § 193.2439, but not less than 10 minutes.

§ 193.2189 [Removed and Reserved]

32. Section 193.2189 would be removed and reserved.

33. Section 193.2191 would be revised to read as follows:

§ 193.2191 Stratification.

LNG storage tanks with a capacity of 200,000 gallons or more must be equipped with means to mitigate a potential for rollover.

§§ 193.2193–193.2203 [Removed and Reserved]

34. Sections 193.2193–193.2203 would be removed and reserved.

35. Sections 193.2205 and 193.2207 are revised to read as follows:

§ 193.2205 Frost heave.

If the protection provided for LNG storage tank foundations from frost heave includes heating the foundation area, an instrumentation and alarm system must be provided to warn of any malfunction of the heating system.

§ 193.2207 Insulation.

Insulation on the outside of the outer shell of an LNG storage tank may not be used to maintain stored LNG at an operating temperature during normal operation.

36. Section 193.2209 would be amended by removing item (6) in the columns titled ''Condition'' and ''Instrumentation'' from the table in paragraph (a). Paragraph (c) in the same section would be removed.

§ 193.2211–193.2233 [Removed and Reserved]

37. Sections 193.2211 through 193.2233 would be removed and reserved.

Subpart D—Construction

38. Section 193.2301 would be revised to read as follows:

§ 193.2301 Scope.

This subpart and ANSI/NFPA 59A (1996 edition) prescribes the requirements for the construction or installation of components.

39. Section 193.2307 would be amended by removing paragraph (b), and redesignating paragraph (c) as (b).

§ 193.2313 [Removed and Reserved]

40. Section 193.2313 would be removed and reserved.

41. Section 193.2315 would be amended by removing paragraphs (a), (d), (e) and (f) and by redesignating paragraphs (b) and (c) as new paragraphs (a) and (b), respectively.

§ 193.2319 [Removed and Reserved]

42. Section 193.2319 would be removed and reserved.

43. Section 193.2321 would be revised to read as follows:

§ 193.2321 Nondestructive tests.

(a) Except as required in paragraph (b) of this section the following percentages, as shown in the table below, of each day's circumferentially welded pipe joints for hazardous fluid piping, selected at random, must be nondestructively tested over the entire circumference to reveal any defects which could adversely affect the integrity of a weld or pipe:

Weld type	Cryogenic piping	Other	Test method
Butt welds more than 2 inches in nominal size	100	30	Radiographic or ultrasonic
Butt welds 2 inches or less in nominal size	100	30	Radiographic, ultrasonic, liquid penetrant or magnetic particle.
Fillet and socket welds	100	30	Liquid penetrant or magnetic particle.

(b) Liquid drain and vapor vent piping with an operating pressure that produces a hoop stress of less than 20 percent specified minimum yield stress does not need to be nondestructively tested, provided it has been inspected visually in accordance with ASME B31.3, Chemical Plant and Petroleum refinery Piping, 344.2.

(c) The butt welds in metal shells of storage tanks with internal design pressure above 15 psig must be radiographically tested in accordance with the ASME Boiler and Pressure Vessel Code (Section VIII Division 1), except that hydraulic load bearing shells with curved surfaces that are subject to cryogenic temperatures, 100 percent of both longitudinal (or latitudinal) welds must be radiographically tested.

§§ 193.2323 and 193.2327 [Removed and Reserved]

44. Sections 193.2323 and 193.2327 would be removed and reserved.

Subpart E—Equipment

45. Section 193.2401 would be revised to read as follows:

§ 193.2401 Scope.

This subpart and ANSI/NFPA 59A (1996 edition) prescribe requirements for the design, fabrication, and installation of vaporization equipment, liquefaction equipment, and control systems.

§§ 193.2403 and 193.2405 [Removed and Reserved]

46. Sections 193.2403 and 193.2405 would be removed and reserved.

§ 193.2407 [Amended]

47. Section 193.2407 would be amended by removing paragraph (b).

§ 193.2409 [Amended]

48. Section 193.2409 would be amended by removing paragraphs (a) and (c), and redesignating existing paragraph (b) as paragraph (a).

§ 193.2411 [Removed and Reserved]

49. Section 193.2411 would be removed and reserved.

§ 193.2413 [Amended]

50. Section 193.2413 would be amended by removing paragraph (b).

§ 193.2415 [Removed and Reserved]

51. Section 193.2415 would be removed and reserved.

§ 193.2423 [Removed and Reserved]

52. Section 193.2423 would be removed and reserved.

§ 193.2427 [Amended]

53. Section 193.2427 would be amended by removing paragraph (a), and by redesignating existing paragraphs (b), (c), and (d) as paragraphs (a), (b), and (c) respectively.

54. Section 193.2429 would be revised to read as follows:

§ 193.2429 Relief devices.

(a) Each component containing a hazardous fluid must be equipped with a system of automatic relief devices which will release the contained fluid at a rate sufficient to prevent pressures from exceeding 110 percent of the maximum allowable working pressure.

(b) In addition to the control system required by paragraph (a) of this section, a manual means must be provided to relieve pressure or a vacuum of the component in an emergency.

(c) The means for adjusting the set point pressure of all adjustable relief devices must be sealed.

(d) Relief devices which are installed to limit minimum or maximum pressure may not be used to handle boiloff and flash gases during normal operation.

§ 193.2431 [Removed and Reserved]

55. Section 193.2431 would be removed and reserved.

56. Section 193.2433 would be revised to read as follows:

§ 193.2433 Sensing devices.

Each operator shall determine the appropriate location for and install sensing devices as necessary to monitor the operation of components to detect a

malfunction which could cause a hazardous condition if permitted to continue.

§ 193.2437 [Amended]

57. Section 193.2437 would be amended by removing paragraphs (a)(3) and (a)(4), and by removing and reserving paragraph(b). In paragraph (a)(2) the semicolon would be removed and period added in its place.

58. Section 193.2439 would be amended by revising paragraph (a)(1) to read as follows:

§ 193.2439 Emergency shutdown control systems.

(a) * * *

(1) Temperatures of the component exceed the maximum and minimum design limits.

* * * * *

Subpart F—Operation

59. Section 193.2521 in Subpart F would be revised to read as follows:

§ 193.2521 Operating records.

(a) Each operator shall maintain a record of the results of each inspection, test, and investigation required by this subpart and ANSI/NFPA 59A (1996 edition). Such records must be kept for a period of not less than 5 years.

(b) Data collected from section 193.2209 must be maintained for not less than one year.

Subpart G—Maintenance

60. Section 193.2609 in Subpart G would be revised to read as follows:

§ 193.2609 Support systems.

Each support system or foundation of each component must be inspected annually, not to exceed 15 months, for any detrimental change that could impair support.

61. Section 193.2611 in Subpart G would be amended by redesignating existing paragraphs (a) and (b) as new paragraphs (b) and (c) respectively, and by adding a new paragraph (a) to read as follows:

§ 193.2611 Fire protection.

(a) Facility operators shall prepare and implement a maintenance program for all plant fire protection equipment.

* * * * *

62. Section 193.2619 in Subpart G would be amended by revising paragraph (c) introductory text to read as follows:

§ 193.2619 Control systems.

* * * * *

(c) Control systems in service, but not normally in operation (such as relief valves and automatic shutdown devices), and internal shutoff valves must be inspected and tested once each calender year, not exceeding 15 months, with the following exceptions:

* * * * *

63. Section 193.2639 in Subpart G would be amended by revising paragraph (a) to read as follows:

§ 193.2639 Maintenance records.

(a) Each operator shall keep a record at each LNG plant of the date and type of each maintenance activity performed on each component to meet the requirements of this part and ANSI/NFPA 59A, including periodic tests and inspections, for a period of not less than five years.

* * * * *

Subpart I—Fire Protection

64. Section 193.2801 would be revised to read as follows:

§ 193.2801 Scope.

This subpart and ANSI/NFPA 59A (1996 edition) prescribe requirements for fire prevention and fire control at LNG plants. However, the requirements do not apply to existing LNG plants that do not contain LNG.

§§ 193.2803 and 193.2805 [Removed and Reserved]

65. Sections 193.2803 and 2805 would be removed and reserved.

66. Section 193.2807 would be revised to read as follows:

§ 193.2807 Smoking.

In addition to the requirements related to smoking in ANSI/NFPA 59A (1996 edition), each operator shall display signs marked with the words ''NO SMOKING'' in prominent places in areas where smoking is prohibited.

§§ 193.2809, 193.2811 and 193.2815 [Removed and Reserved]

67. Sections 193.2809, 193.2811 and 193.2815 would be removed and reserved.

68. Section 193.2817 would be revised to read as follows:

§ 193.2817 Fire equipment.

Each operator shall provide and maintain fire control equipment and supplies in accordance with the applicable requirements of ANSI/NFPA 59A to protect or cool components that could fail due to heat exposure from fires. Protection or cooling must be provided for critical components as long as the heat exposure exists.

§ 193.2819 [Amended]

69. Section 193.2819 would be amended by removing paragraphs (a), (c) and (f), and by redesignating existing paragraphs (b), (d) and (e) as paragraphs (a), (b), and (c), respectively.

70. Section 193.2821 would be revised to read as follows:

§ 193.2821 Fire detection.

In addition to the requirements in ANSI/NFPA 59A (1996 edition) each operator shall provide an audible alarm in the area of fire detection.

Issued in Washington, DC on December 16, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98–33757 Filed 12–21–98; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF31

Endangered and Threatened Wildlife and Plants: Proposed Threatened Status for the Plant Yermo xanthocephalus

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to list the plant *Yermo xanthocephalus* (desert yellowhead) as a threatened species pursuant to the Endangered Species Act of 1973, as amended. *Yermo xanthocephalus* is a recently described Wyoming endemic known only from the south end of Cedar Rim on the summit of Beaver Rim in southern Fremont County, Wyoming. It is known from a single population occupying an area of less than two hectares (ha) (five acres (ac)) of suitable habitat. In 1998 this population contained an estimated 15,000 plants and existed entirely on Federal lands. Surface disturbances associated with oil and gas development, compaction by vehicles, trampling by livestock, and randomly occurring, catastrophic events threaten the existing population.

DATES: Comments from all interested parties must be received by February 22, 1999. Public hearing requests must be received by February 5, 1999.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Wyoming Field Office, U.S. Fish and Wildlife Service, 4000 Airport Parkway, Cheyenne, Wyoming 82001. Comments and materials received will be available for public inspection, by appointment,