

have disclosed that while operators generally keep their plans and procedures up-to-date, not all plans and procedures are kept up-to-date. And outmoded plans and procedures can be a source of safety problems.

Our standards in 49 CFR part 192, which apply to gas pipelines serving LNG plants, address this potential safety problem by requiring operators to review and update their pipeline operating and maintenance procedures at intervals not exceeding 15 months, but at least once each calendar year (§ 192.605(a)). We think a similar requirement should apply to plans and procedures for LNG plants. Therefore, we are proposing to establish a new § 193.2017(c) to require annual reviews and updates of plans and procedures required by part 193.

### Fire Drills

Section 193.2717 requires operators of LNG plants to train their operations and maintenance personnel in fire protection. The training must include "plant fire drills." To meet this fire drill requirement, some operators use only tabletop exercises. We believe the exclusive use of such exercises is inconsistent with the ordinary meaning of "fire drill," because tabletop exercises do not involve actual evacuation of buildings and performance of fire control duties. Therefore, to insure that proper fire drills are conducted, we are proposing to amend § 193.2717 to require that fire drills include evacuation of buildings and personnel performing fire control duties. See proposed § 193.2717(c) below.

### NFPA 59A

At present, many sections in part 193 concerning siting, design, construction, equipment, fire protection, and operating and maintenance records incorporate by reference the 1996 edition of NFPA 59A, "Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)." However, the 1996 edition of the standard is now out-of-date and is no longer available in book form from NFPA. The latest edition, the 2001 edition, is available from NFPA either in book or electronic form by entering "59A" in the search block at <http://www.nfpa.org/catalog>.

There are several significant differences between the 1996 and 2001 editions. The 2001 edition:

1. Bases design on the concept of a maximum credible earthquake, in line with building codes used throughout country.
2. Allows use of the FEM3A model to calculate vapor dispersion distances.

(Part 193 already allows use of this model).

3. Increases the frequency of inspecting and testing LNG tank relief valves.

4. Enhances chapter 10 requirements for plants with less than 300,000 gallons of storage. (We are not now proposing to incorporate chapter 10 by reference in part 193.)

5. Establishes operations and maintenance requirements. (We are not now proposing to incorporate these new requirements by reference in part 193.)

6. Adds appendices containing part 193 training and security standards.

We have considered the differences between the 1996 and 2001 editions of NFPA 59A and believe it is in the interest of LNG facility safety to amend Part 193 to reference the 2001 edition instead of the 1996 edition. This update would be accomplished by changing Appendix A to part 193 as set forth below. In addition, the specific reference to the 1996 edition in § 193.2019(a) would be replaced by a general reference to NFPA 59A. As indicated by § 193.2013(a), any general reference to NFPA 59A refers to the latest edition listed in Appendix A.

### Regulatory Analyses and Notices

#### *Executive Order 12866 and DOT Policies and Procedures*

RSPA does not consider this proposed rulemaking to be a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735; Oct. 4, 1993). Therefore, the Office of Management and Budget (OMB) has not received a copy of this rulemaking to review. RSPA also does not consider this proposed rulemaking to be significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979).

We prepared a Draft Regulatory Evaluation of the proposed rules and a copy is in the docket. The evaluation concludes there should be only minimal additional cost, if any, for operators to comply with the proposed rules. If you disagree with this conclusion, please provide information to the public docket described above.

#### *Regulatory Flexibility Act*

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), RSPA must consider whether a rulemaking would have a significant economic impact on a substantial number of small entities. The proposed rules are consistent with customary practices in the gas pipeline industry. Therefore, based on the facts available about the anticipated impacts of this proposed rulemaking, I certify

that this proposed rulemaking would not have a significant impact on a substantial number of small entities. If you have any information that this conclusion about the impact on small entities is not correct, please provide that information to the public docket described above.

#### *Executive Order 13175*

The proposed rules have been analyzed in accordance with the principles and criteria contained in Executive Order 13084, "Consultation and Coordination with Indian Tribal Governments." Because the proposed rules would not significantly or uniquely affect the communities of the Indian tribal governments and would not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

#### *Paperwork Reduction Act*

*Title:* Recordkeeping for LNG Facilities.

*Summary:* Section 193.2017(c) proposes to add a minor information collection requirement to already existing information collection requirements. Operators would be required to review and update the plans and procedures required by part 193 at intervals not exceeding 15 months, but at least once each calendar year. However, we believe most operators routinely carry out reviews and updates during the course of executing their plans and procedures. So we believe the burden of complying with the proposed review-and-update requirement would be minimal. Because the additional paperwork burden of this proposed rule is likely to be minimal, we believe that submitting an analysis of the burdens to OMB under the Paperwork Reduction Act is unnecessary. If you disagree with this conclusion, please submit your comments to the public docket.

*Use:* Records are kept to facilitate personnel training and other LNG plant activities.

*Respondents (including the number of):* There are 150 gas pipeline operators.

*OMB Control Number:* 2137-0048.

*Average burden estimate per operator:* 126.7 hours per year.

*Annual Burden Estimate:* 19,000 hours per year.

*Frequency:* Annual.

#### *Unfunded Mandates Reform Act of 1995*

This proposed rulemaking would not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It would not result in costs of \$100 million or more to either State,