

- D—Delivery order or call against a supply contract (BOA, FSS, or other indefinite delivery contract or BPA).
 F—Facilities contract.
 G—Grant (other than training).
 H—Training grant.
 I—Intragovernmental transaction, *i.e.*, request to another Government agency to furnish supplies or services. It does not include an award by NASA to fulfill a request from another agency.
 P—Purchase order. (This does not include a call or task or delivery order, regardless of whether it is issued on a purchase order form. It also does not include other types of actions listed in this paragraph, notwithstanding that they are referred to as purchase orders in IFMP.)
 S—Space Act agreement.
 T—Task order against a service (including R&D) contract (BOA, FSS, or other indefinite delivery contract or BPA).
 Z—BPA.

(c) Sample.

NNG04AA01C would be a GSFC action issued in FY04. It would be the first one issued at the Center (or the first of its type), and the action type would be a contract:

NN	G	04	AA01	C
NASA	GSFC	FY04	Serial No. 1	Contract

1804.7103 [Removed]

1804.7104 [Redesignated as 1804.7103]

■ 3. Remove section 1804.7103 and redesignate section 1804.7104 as section 1804.7103.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA–97–2717; Amdt. 195–78]

RIN 2137–AD10

Pipeline Safety: Recommendations To Change Hazardous Liquid Pipeline Safety Standards

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

ACTION: Final rule.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) is changing several safety standards for hazardous liquid and carbon dioxide pipelines. The changes, which concern welder qualifications, backfilling, records, training, and signs, are based on recommendations by the National

Association of Pipeline Safety Representatives (NAPSR). RSPA/OPS believes the changes will improve the clarity and effectiveness of the present standards.

DATES: This Final Rule takes effect October 14, 2003.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow by phone at 202–366–4559, by fax at 202–366–4566, by mail at U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, 20590, or by e-mail at buck.furrow@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

NAPSR is a non-profit association of officials from state agencies that participate with RSPA/OPS in the Federal pipeline safety regulatory program. RSPA/OPS asked NAPSR to review the hazardous liquid pipeline safety standards in 49 CFR part 195 and recommend any changes needed to make the standards more explicit, understandable, and enforceable. NAPSR compiled the results of its review in a report titled "Part 195 Project."

The report includes 30 different recommendations for changes to Part 195, of which RSPA/OPS has adopted or proposed to adopt 18 in earlier rulemaking actions. In the **Federal Register** of September 6, 2002, RSPA/OPS published a notice of proposed rulemaking (NPRM) in which RSPA/OPS proposed to adopt five more recommendations (67 FR 56970). The NPRM also described the earlier actions and explained why RSPA/OPS had declined to adopt seven recommendations.

Disposition of Comments

This section of the preamble summarizes the written comments RSPA/OPS received in response to the NPRM. It also describes how RSPA/OPS treated those comments in developing this Final Rule. If a proposed section is not mentioned, no significant comments were received on that section and RSPA/OPS is adopting it as final.

RSPA/OPS invited the public to comment by November 5, 2002, on proposed changes to five sections in Part 195: § 195.222, Welders; Qualification of welders; § 195.252, Backfilling; § 195.310, Records; § 195.403, Training; and § 195.434, Signs. The only comments RSPA/OPS received were from the Florida Department of Transportation (FDOT) and the Washington Utilities and Transportation Commission (WUTC).

FDOT was concerned that part 195 could be construed to supersede its more stringent requirements on backfilling and abandonment. For example, FDOT said it does not allow abandonment of utility facilities, whereas § 195.402(c)(10) permits operators to abandon pipelines under appropriate procedures. FDOT recommended that RSPA/OPS state in Part 195 that the part does not supersede state requirements unless those requirements are less stringent.

RSPA/OPS has not added this statement to part 195 because it may not be in accord with the preemption provisions of Federal pipeline safety law (49 U.S.C. 60104(c)). Those provisions prohibit state agencies from establishing any safety standards for interstate pipeline facilities. And although state agencies that meet certain requirements may establish additional or more stringent safety standards for intrastate pipeline facilities, the state standards must be compatible with the federal safety standards. The preemption provisions do not allow state agencies to establish less stringent safety standards for intrastate pipeline facilities. To say that Part 195 does not supersede state requirements unless they are less stringent would incorrectly imply that states may have safety standards for interstate pipeline facilities or may have less stringent standards for intrastate pipeline facilities. In addition, such a statement would incorrectly imply that Part 195 does not supersede a state agency's more stringent intrastate standards that are incompatible with Part 195.

Having said this, RSPA/OPS does not want to leave the impression that it considers FDOT's more stringent requirements on backfilling and abandonment to be inoperative in view of the Federal preemption provisions. As RSPA/OPS construes those provisions, they apply only to generally applicable state safety standards. They do not apply to safety requirements that a state or local agency may attach to specific construction permits as a condition of exercising the permit. It is in this vein that RSPA/OPS believes FDOT applies its more stringent requirements.

WUTC generally supported the NPRM, but made specific comments on the backfilling standard proposed in § 195.252. RSPA/OPS proposed that backfilling must provide firm support under the pipe and prevent damage to the pipe and pipe coating from equipment and backfill material. As explained in the NPRM, RSPA/OPS did not propose to adopt NAPSR's recommendation that backfill material