

in response to two accidents in 1980 in which fishing vessels hit underwater pipelines, resulting in multiple fatalities.

Approximately 125 companies operate underwater pipelines offshore and in navigable waterways. Under this proposal, each of these companies will be required to have formal written procedures for periodically inspecting their underwater pipeline facilities in waters less than 15 feet of depth.

A survey conducted by RSPA/OPS in 1992 determined that less than two percent of all underwater pipeline in waters of less than 15 feet were exposed or a hazard to navigation. Based on the above, RSPA/OPS believes that at most 10% of the affected underwater pipeline may need to be reinspected periodically. RSPA/OPS estimates that the initial cost of this proposal is \$6.25 million with annual reinspection costs of approximately \$200,000 per year. More details of the costs and benefits of this proposed rule can be found in the public docket.

C. Regulatory Flexibility Act

Based on the facts available about the anticipated impact of this rulemaking, I certify, pursuant to section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this action will not have a significant economic impact on a substantial number of small entities. Few small entities operate pipelines subject to this proposed rule.

D. Environmental Assessment

A preliminary draft Environmental Assessment was conducted and is available in the docket. The inspection and reburial of the pipelines should not have a significant impact on the environment. Previous inspections of underwater pipelines in the Gulf of Mexico found less than two percent of the affected pipelines required reburial. This proposal only considers pipelines in less than 15 feet of water offshore and pipelines in navigable waterways. Because very little pipeline will actually require reburial this proposal will not have a significant impact on the human environment. If you disagree with the preliminary draft environmental assessment please submit your comments to the public docket.

E. Executive Order 12612—Federalism

RSPA/OPS has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 (52 FR 41685). RSPA/OPS has determined that the action does not have substantial direct effects on the 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 this rulemaking does not have sufficient federalism implications to warrant preparation of a federalism assessment.

List of Subjects

49 CFR Part 192

Administrative practice and procedure, Gas, Natural gas, Pipeline safety, Reports, Transportation.

49 CFR Part 195

Administrative practice and procedure, Hazardous liquid, Oil, Petroleum, Pipeline safety reports, Transportation.

In consideration of the foregoing, OPS proposes to amend parts 192 and 195 of title 49 of the Code of Federal Regulations as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

1. The authority citation for part 192 would continue to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60117, 60118, 60124; and 49 CFR 1.53.

2. Section 192.3 would be amended by removing the definition of “exposed pipeline”; revising the definitions of “Gulf of Mexico and its inlets” and “Hazard to navigation”; and adding definitions for “exposed underwater pipeline” and “underwater natural bottom” to read as follows:

§ 192.3 Definitions.

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Exposed underwater pipeline means an underwater pipeline where the top of the pipe protrudes above the bottom.

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Gulf of Mexico and its inlets means the waters from the mean high water mark of the coast of the Gulf of Mexico and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and OCS.

Hazard to navigation means for the purpose of this part, a pipeline where the top of the pipe is less than 24 inches (610 millimeters) below the seabed in water less than 15 feet (4.6 meters) deep, as measured from the mean low water level.

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Underwater natural bottom means a surface that reflects a 50 kHz fathometer signal.

3. Section 192.612 would be amended by revising paragraph (a) to read as follows:

§ 192.612 Underwater inspection and reburial of pipelines.

(a) Each operator shall prepare and follow a procedure to conduct periodic underwater inspections of its offshore pipeline facilities and those crossing under navigable waterways in waters less than 15 feet deep to ensure that the pipeline is not exposed or a hazard to navigation. The procedures must be in effect one year from the publication date of the Final Rule.

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PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

1. The authority citation for part 195 would continue to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Section 195.2 would be amended by removing the definition of “exposed pipeline”; revising the definitions of “Gulf of Mexico and its inlets”; and “hazard to navigation”; and adding definitions for “exposed underwater pipeline” and “underwater natural bottom” to read as follows:

§ 195.2 Definitions.

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Exposed underwater pipeline means an underwater pipeline where the top of the pipe protrudes above the bottom.

Gulf of Mexico and its inlets means the waters from the mean high water mark of the coast of the Gulf of Mexico and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and the OCS.

Hazard to navigation means for the purpose of this part, a pipeline where the top of the pipe is less than 24 inches (610 millimeters) below the seabed in water less than 15 feet (4.6 meters) deep, as measured from the mean low water level.

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Underwater natural bottom means the surface that reflects a 50 kHz fathometer signal.

3. Section 195.413 would be amended by revising paragraph (a) to read as follows:

§ 195.413 Underwater inspection and reburial of pipelines.

(a) Except for gathering lines of 4½-inch (114 mm) nominal outside diameter or smaller, each operator shall prepare and follow a procedure to conduct periodic underwater inspections of its offshore pipeline facilities and those crossing under navigable waterways in waters less than 15 feet deep to ensure that the pipeline is not exposed or a hazard to navigation.