

Department, the Department concludes that holding a public hearing would not result in the presentation of additional or different information from what has already been submitted.

The Department stated in the interim final rule that it would consider any new matters presented and make changes if warranted. The Department has carefully considered all comments presented and concludes that no revisions to the interim final rule are warranted. Accordingly, the Department affirms, without change, the interim final rule.

A final rule redesignating those portions of the Coast Guard's Great Lakes Pilotage Regulations that are necessary for SLSDC to carry out its responsibilities under the Act will be published in the Federal Register shortly.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organizations and functions (Government agencies).

Accordingly, 49 CFR part 1 is amended as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

§ 1.46 [Removed]

2. Section 1.46(a) is removed and reserved.

3. Section 1.52 is amended by adding a new paragraphs (d) and (e) to read as follows:

§ 1.52 Delegations to Saint Lawrence Seaway Development Corporation Administrator.

* * * * *

(d) Carry out the Great Lakes Pilotage Act of 1960, as amended, (46 U.S.C. 9301 *et seq.*).

(e) Under the 1977 Memorandum of Arrangements with Canada and the Great Lakes Pilotage Act of 1960, as amended in 1983 (46 U.S.C. 9305), enter into, revise, or amend arrangements with Canada in coordination with the General Counsel.

Issued at Washington, DC, this 5th day of December 1995.
 Federico Peña,
Secretary of Transportation.
 [FR Doc. 95-30081 Filed 12-8-95; 8:45 am]
 BILLING CODE 4910-62-P

Research and Special Programs Administration

49 CFR Part 192

[Docket PS-135; Amdt. 192-74A]

RIN 2137-AC32

Customer-Owned Service Lines

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

ACTION: Final rule; response to petition for reconsideration.

SUMMARY: This action concerns a petition to reconsider the rule that requires operators of gas service lines who do not maintain certain buried customer piping to notify customers of the need for maintenance. The request to change the rule to clarify the exclusion of customer branch lines is granted because some operators are apparently misconstruing the rule to cover these lines. The request to change the rule to specify operator repair as a maintenance option is granted because a literal reading of the rule's definition of maintenance excludes this legitimate option.

EFFECTIVE DATE: January 10, 1996.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow, (202) 366-2392.

SUPPLEMENTARY INFORMATION: As directed by the 102d Congress (49 U.S.C. 60113(a)), RSPA issued a rule (49 CFR 192.16) that requires certain operators of gas service lines to notify their customers of the need to maintain buried customer piping (60 FR 41828, August 14, 1995). Operators subject to this rule are identified in the first paragraph of the rule, as follows:

§ 192.16 Customer Notification

(a) This section applies to each operator of a service line who does not maintain the customer's buried piping up to entry of the first building downstream, or, if the customer's buried piping does not enter a building, up to the principal gas utilization equipment or the first fence (or wall) that surrounds that equipment. For the purpose of this section, "maintain" means monitor for corrosion according to § 192.465 if the customer's buried piping is metallic, survey for leaks according to § 192.723, and if an unsafe condition is found, either shut off the flow of gas or advise the customer of the need to repair the unsafe condition.

In a petition dated September 8, 1995, the American Gas Association (AGA) asked RSPA to reconsider this notification rule. AGA contends § 192.16(a) is deficient in two respects. First, AGA is concerned that § 192.16(a) does not indicate that branch lines, serving secondary equipment such as yard lanterns or pool heaters, are not

part of the customer's buried piping that operators must maintain to qualify for exclusion from the rule. In fact, as AGA construes the rule, to avoid sending notifications operators would have to maintain most of these branch lines. For clarity, AGA recommends amending § 192.16(a) to refer to "buried gas supply piping" instead of "buried piping."

The amount of customer piping an operator must maintain to avoid sending customer notifications was a significant issue in this rulemaking proceeding. Of particular concern was buried piping that branches from the customer's primary gas supply line to serve secondary equipment, such as a yard lantern or pool heater. We addressed this issue in the final rule document as follows:

[w]e intended the proposed rules to apply to customers' primary gas supply lines. Branch lines that serve pool heaters, yard lanterns, or other types of secondary equipment were not intended to be covered. The final rule (§ 192.16(a)) clarifies this point by covering customer piping up to gas utilization equipment only when the customer's piping does not enter a building. (60 FR 41822)

Given this history of § 192.16(a) and the plain meaning of the rule, we do not agree with AGA that the rule can reasonably be construed to apply to most branch lines serving yard lanterns or pool heaters. As AGA acknowledges in its petition, such lines typically do not enter buildings. Buried customer piping that does not enter a building is covered only if it serves the customer's principal gas utilization equipment. And by their very nature, branch lines do not serve principal gas utilization equipment.

Nevertheless, the existence of the AGA petition indicates that some service line operators may be misconstruing the rule. Since we want to make the rule as easy as possible for everyone to understand, we have amended § 192.16(a) to emphatically state that the customer's buried piping does not include branch lines that serve yard lanterns, pool heaters, or other types of secondary equipment. We did not feel AGA's suggestion to modify "piping" with "gas supply" would necessarily clarify the rule because all customer piping provides a supply of gas.

Next, AGA argues that the definition of "maintain" is too restrictive because it does not mention repair as a method of remedying unsafe customer piping. As a result, AGA suggests § 192.16(a) could be construed to require operators to send customer notifications even if they repair unsafe conditions on customer piping. AGA recommends

amending the definition of "maintain" to include repair as a remedial measure.

We believe AGA's recommendation has merit. Operators may indeed choose to repair some unsafe conditions on customer piping without shutting off the gas or advising the customer of the problem. Such repair would be wholly consistent with the purpose of § 192.16—to promote the safety of customer piping—and would exceed the required minimum level of maintenance. Thus, operator repair should not be the basis for a charge of noncompliance with the rule. To preclude this possibility and clarify the rule, we have amended § 192.16(a) as AGA recommends in the second part of its petition.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Policies and Procedures

The Office of Management and Budget (OMB) does not consider this final rule to be a significant regulatory action under section 3(f) of Executive Order 12866. Therefore, OMB did not review this final rule. Also, DOT does not consider this final rule to be significant under its regulatory policies and procedures (44 FR 11034, February 26, 1979). Because this final rule merely clarifies an existing rule, the economic impact is too minimal to warrant an evaluation of costs and benefits. However, an evaluation of the costs and benefits of the rule revised by this regulatory action is available for review in the docket.

Executive Order 12612

We analyzed this final rule under the principles and criteria in Executive Order 12612 ("Federalism"). The final rule does not have sufficient federalism impacts to warrant preparation of a federalism assessment.

Regulatory Flexibility Act

I certify, under Section 605 of the Regulatory Flexibility Act, that this final rule will not have a significant economic impact on a substantial number of small entities. As explained in Amendment 192-74 (60 FR 41828, August 14, 1995), most small entities do not come under the rule revised by this regulatory action, and those small entities that do may exercise very low cost means of compliance.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

RSPA amends 49 CFR part 192 as follows:

PART 192—[AMENDED]

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

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; 49 CFR 1.53.

2. Section 192.16(a) is revised to read as follows:

§ 192.16 Customer notification.

(a) This section applies to each operator of a service line who does not maintain the customer's buried piping up to entry of the first building downstream, or, if the customer's buried piping does not enter a building, up to the principal gas utilization equipment or the first fence (or wall) that surrounds that equipment. For the purpose of this section, "customer's buried piping" does not include branch lines that serve yard lanterns, pool heaters, or other types of secondary equipment. Also, "maintain" means monitor for corrosion according to § 192.465 if the customer's buried piping is metallic, survey for leaks according to § 192.723, and if an unsafe condition is found, shut off the flow of gas, advise the customer of the need to repair the unsafe condition, or repair the unsafe condition.

* * * * *

Issued in Washington, DC, on December 4, 1995.

Ana Sol Gutiérrez,

Deputy Administrator.

[FR Doc. 95-30032 Filed 12-8-95; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 951128281-5281-01; I.D. 112795A]

Groundfish of the Bering Sea and Aleutian Islands Area, Trawl Closure To Protect Red King Crab

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS has determined that an interim closure to all trawling is necessary in a portion of the Bristol Bay area of the Bering Sea. The number of female red king crab in Bristol Bay has declined to a level that presents a serious conservation problem for this stock. To prevent excessive bycatch

rates of Bristol Bay area red king crab, NMFS is implementing an interim closure in an area of Bristol Bay to vessels using trawl gear. This management measure is intended to accomplish the objectives of the North Pacific Fishery Management Council with respect to fishery management in the Bering Sea and Aleutian Islands management area (BSAI).

DATES: Effective January 20, 1996, through March 31, 1996. Comments must be submitted by January 10, 1996.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, Attention: Lori Gravel. The Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for proposed Amendment 37 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area addresses the action implemented under this inseason adjustment. Copies of the EA/RIR/IRFA may be obtained from the North Pacific Fishery Management Council, 605 W. 4th Ave. Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the BSAI is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*) (Magnuson Act), and is implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 675 and 676. General regulations that also pertain to U.S. fisheries are codified at 50 CFR part 620.

High prohibited species bycatch rates may warrant inseason adjustment to close an area to fishing for groundfish. Authority for interim closures of a specific area is outlined under regulations at § 675.20(e). This inseason adjustment prohibits fishing for groundfish by operators of vessels using trawl gear in that portion of the Bering Sea that is bounded by a straight line connecting the following coordinates in the order listed below from January 20 through March 31, 1996:

56°00' N.;

162°00' W.;