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

2. Section 1.66 is amended by inserting a new paragraph (x), to read as follows:

§ 1.66 Delegation to Maritime Administrator.

* * * * *

(x) Carry out the responsibilities and exercise the authorities of the Secretary of Transportation under sections 1008, 1009, and 1013 of Public Law 104–324;

* * * * *

Issued at Washington, DC this 31st day of December 1996.

Federico Peña,

Secretary of Transportation.

[FR Doc. 97–1252 Filed 1–16–97; 8:45 am]

BILLING CODE 4910–62–P

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS–118; Amendment 192–80]

RIN 2137–AB97

Excess Flow Valve—Performance Standards

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

ACTION: Final rule; response to petition for reconsideration.

SUMMARY: This action concerns a petition from the American Gas Association (AGA) to reconsider and clarify certain provisions of the excess flow valve (EFV) performance standards regulations. AGA's request to clarify the rule by deleting language in the regulation concerning sizing of the EFV and locating the EFV beyond the hard surface is granted because some operators are apparently misinterpreting this language. AGA's request to delete the recommended installation standards from the performance standards rule and include them in the notification rulemaking is denied because such standards are applicable to an EFV's safe and reliable operation. AGA's request to allow an operator to determine how to identify the presence of an EFV in the service line is denied because the final rule already allows the operator this flexibility.

EFFECTIVE DATE: February 18, 1997.

FOR FURTHER INFORMATION CONTACT: Mike Israni (202) 366–4571, regarding this final rule or the Dockets Unit, (202) 366–5046, regarding copies of this final rule or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

On June 20, 1996 (61 FR 31449), RSPA published regulations (49 CFR 192.381) prescribing performance standards for EFVs used to protect single-residence service lines. In a petition for reconsideration and request for clarification dated July 17, 1996, AGA asked RSPA to reconsider several provisions of this final rule on EFV performance standards. On July 30, 1996, OPS and AGA met to discuss the issues in the petition.

AGA Petition for Reconsideration

I. AGA contended that the marking requirement (§ 192.381(c)) and recommendations concerning where to locate the EFV (§ 192.381(d)) and whether to install an EFV in certain circumstances (§ 192.381(e)) are installation standards and should not have been included in the final rule on EFV performance standards. AGA maintained that these requirements should have been included in RSPA's notice of proposed rulemaking on EFV customer notification (61 FR 33476; June 27, 1996), and subject to notice and comment.

Response: RSPA disagrees that the marking requirement and the recommendations on locating and installing an EFV are misplaced and were not subject to notice and comment. RSPA established the EFV performance standards as minimum requirements for an EFV to perform safely and reliably when installed in a gas piping system. The marking requirement and the recommendations on locating and installing an EFV were included in the rule because RSPA considers them integral to an EFV's performance.

RSPA recommended the circumstances in which an operator should not install an EFV and where the operator should locate the EFV to address concerns raised during the EFV rulemaking process. Because these recommendations addressed comments that were made during the EFV rulemaking process, although not specifically proposed, RSPA considered them to be within the scope of the EFV rulemaking. To address commenters' concern about placing an EFV in a system where contaminants could cause a malfunction, RSPA included a recommendation that operators consider this factor when installing an EFV. Similarly, to address concerns about protecting the maximum length of service line, as well as comments about logistical and economic difficulties in installing or removing an EFV beneath a hard surface, RSPA recommended that an operator locate the EFV beyond the hard surface and as near the gas supply main as practical. Both recommended standards affect an EFV's operation and reliability, and are better suited to the performance standards rule than the notification rulemaking. The proposed notification rule proposes to require operators to notify customers about the availability, safety benefits, and cost associated with EFV installation, issues not related to an EFV's operation.

The requirement to identify the presence of an EFV in a service line by marking or other means is intended to alert personnel servicing the line to its presence. Although not technically a performance standard, the requirement is better placed in the performance standards rule because it helps to ensure that a service line with an EFV is properly serviced.

Accordingly, for the reasons discussed, RSPA does not adopt AGA's suggestion to amend the final rule by deleting these sections. However, AGA's additional concerns about the recommendation to locate an EFV beyond the hard surface are addressed in section III of this document.

II. AGA requested RSPA to clarify the requirement to mark, or otherwise identify, the presence of an EFV in a service line (§ 192.381(c)). AGA expressed concern that marking would notify the public of the valve's existence to the detriment of the public's safety. AGA suggested that RSPA amend this requirement to allow each operator to determine the method to identify the presence of an EFV in the service line.

Response: By requiring an operator to mark or otherwise identify the presence of an EFV in a service line, the final rule intended for each operator to determine how to identify the presence of an EFV to personnel servicing the line. The language in the rule left to the operator's discretion whether to identify the EFV's presence by marking the line, by indicating on maps and records, or by using some other method. When, during the meeting, OPS explained that this language was not intended to limit an operator, AGA agreed that further clarifying language was not needed. Thus, we do not see any necessity for modifying the rule.

III. The final rule (§ 192.381 (d)) recommended that an operator locate an EFV beyond the hard surface and as near as practical to the fitting connecting the service line to its source of gas supply. In its petition AGA said that the language specifying that an EFV *should be located beyond the hard surface* could increase the costs of installation and reduce the safety benefits of EFVs. AGA explained that

under the three most common installation and replacement methods (trenching, boring, insertion), an additional excavation or cutting and resealing of the pipe would be needed to accommodate the requirement. Furthermore, the effect of this requirement would be to install the EFV further from the service line than necessary.

Response: RSPA intended in the final rule that if an EFV were installed in a service line, it would be located as near the gas supply main as practical. RSPA further recommended that the EFV be located beyond the hard surface to alleviate concerns raised during the rulemaking process that installing or removing an EFV under a hard surface would result in increased installation or removal costs. To avoid any confusion for the operator about where best to locate an EFV, RSPA is deleting the language ''beyond the hard surface'' from the rule.

RSPA continues to believe that if an EFV is installed, it is placed as near the source of gas supply as practical to ensure the EFV protects the maximum length of service line. Therefore, we are further amending the section to clarify the original intent of the rule by changing ''should locate'' to ''shall locate the EFV as near as practical to the fitting connecting the service line to its source of gas supply.'' The clarification continues to allow the operator to decide if such an installation is practical.

IV. AGA argued in its petition that the language requiring that the EFV be ''sized to close at * * *'' (§ 192.381(a)(3)(I)), has caused confusion among operators. AGA explained that because sizing is usually done by an engineer, not the manufacturer, an operator could not ensure that the manufacturer had sized the valve correctly. AGA recommended RSPA delete this language or clarify who bears responsibility for ensuring the EFV is correctly sized.

Response: In RSPA's experience, the language concerning sizing should not cause confusion. Nonetheless, to preclude this possibility, RSPA is deleting the language ''[b]e sized to * * *'' from § 192.381(a)(3)(I).

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory 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 economic evaluation of the original final rule 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.

Paperwork Reduction Act

This rule does not modify the paperwork burden that operators already have. Therefore, a paperwork evaluation is unnecessary.

List of Subjects in 49 CFR Part 192

Natural gas, Pipeline safety, Reporting and record keeping 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 192.381 is amended by revising paragraphs (a)(3)(i), and (d) to read as follows:

§ 192.381 Service lines: Excess flow valve performance standards.

(a) * * *

(3) At 10 psig:

(i) Close at, or not more than 50 percent above, the rated closure flow rate specified by the manufacturer; and

* * * * *

(d) An operator shall locate an excess flow valve as near as practical to the fitting connecting the service line to its source of gas supply.

* * * * *

Issued in Washington, DC, on January 14, 1997.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 97–1249 Filed 1–16–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961105310–6374–02; I.D. 102396A]

RIN 0648–AJ31

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 17

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Framework Adjustment 17 and to correct the regulations implementing Amendment 7 to the Northeast Multispecies Fishery Management Plan (FMP). Framework 17 restores unused days-at-sea (DAS) to vessels enrolled in the DAS effort-control call-in system that fished less than one-sixth of their Amendment 7 DAS allocation during the months of May and June 1996. The intent of this rule is to provide vessels with their full Amendment 7 allocation of DAS and to correct an inadvertent omission in a previous rule.

EFFECTIVE DATE: January 14, 1997.

ADDRESSES: Copies of Amendment 7 to the Northeast Multispecies Fishery Management Plan (Amendment 7), its regulatory impact review (RIR) and the final regulatory flexibility analysis (RFA) contained within the RIR, its final supplemental environmental impact statement, and Framework Adjustment 17 documents are available upon request from Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906–1097.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, NMFS, Fishery Policy Analyst, 508–281–9252.

SUPPLEMENTARY INFORMATION: Amendment 7 to the FMP (61 FR 27710, May 31, 1996) became effective on July 1, 1996, and implemented reductions in DAS for vessels already under the effort-control system. During the developmental stages of Amendment 7, it became clear that the New England Fishery Management Council (Council) would be unable to submit the amendment in time for it to be implemented before the May 1 start of the new fishing year. To address this situation, the Council agreed to prorate DAS to adjust for the gap between the