

conditions of the Schedule contract are the individual ordering activity and the Contractor. The U.S. Government shall not be liable for the performance or nonperformance of the new contract. Disputes which cannot be resolved by the parties to the new contract may be litigated in any State or Federal court with jurisdiction over the parties, applying Federal procurement law, including statutes, regulations and case law, and, if pertinent, the Uniform Commercial Code. To the extent authorized by law, parties to this new contract are encouraged to resolve disputes through Alternative Dispute Resolution. Likewise, a Blanket Purchase Agreement (BPA), although not a contract, is an agreement that may be entered into by the Contractor with such an entity and the Federal Government is not a party.

(2) Where contract clauses refer to action by a Contracting Officer or a Contracting Officer of GSA, that shall mean the individual responsible for placing the order for the ordering activity (e.g., Federal Acquisition Regulation 52.212-4 at paragraph (f) and FSS clause I-FSS-249 B).

(3) As a condition of using this contract, eligible ordering activities agree to abide by all terms and conditions of the Schedule contract, except for those deleted clauses or portions of clauses mentioned in paragraph (a)(1) of this clause. Ordering activities may include terms and conditions required by statute, ordinance, regulation, order, or as otherwise allowed by State and local government entities as a part of a statement of work (SOW) or statement of objective (SOO) to the extent that these terms and conditions do not conflict with the terms and conditions of the Schedule contract. The ordering activity and the Contractor expressly acknowledge that, in entering into an agreement for the ordering activity to purchase goods or services from the Contractor, neither the ordering activity nor the Contractor will look to, primarily or in any secondary capacity, or file any claim against the United States or any of its agencies with respect to any failure of performance by the other party.

(4) The ordering activity is responsible for all payments due the Contractor under the contract formed by acceptance of the ordering activity's order, without recourse to the agency of the U.S. Government, which awarded the Schedule contract.

(5) The Contractor is encouraged, but not obligated, to accept orders from such entities. The Contractor may, within 5 days of receipt of the order, decline to accept any order, for any reason. The Contractor shall fulfill orders placed by such entities, which are not declined within the 5-day period.

(6) The supplies or services purchased will be used for governmental purposes only and will not be resold for personal use. Disposal of property acquired will be in accordance with the established procedures of the ordering activity for the disposal of personal property.

(7) The state or local government ordering activity will be responsible for purchasing products or services to be used to facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act

(42 U.S.C. 5121 *et seq.*) or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack.

(b) If the Schedule Contractor accepts an order from an entity identified in paragraph (d) of the clause at 552.238-78, Scope of Contract (Eligible Ordering Activities)—Alternate I, the Contractor agrees to the following conditions—

(1) The ordering activity is responsible for all payments due the Contractor for the contract formed by acceptance of the order, without recourse to the agency of the U.S. Government, which awarded the Schedule contract.

(2) The Contractor is encouraged, but not obligated, to accept orders from such entities. The Contractor may, within 5 days of receipt of the order, decline to accept any order, for any reason. The Contractor shall decline the order using the same means as those used to place the order. The Contractor shall fulfill orders placed by such entities, which are not declined within the 5-day period.

(c) In accordance with clause 552.238-74, Industrial Funding Fee and Sales Reporting, the Contractor must report the quarterly dollar value of all sales under this contract. When submitting sales reports, the Contractor must report two dollar values for each Special Item Number—

(1) The dollar value for sales to entities identified in paragraph (a) of the clause at 552.238-78, Scope of Contract (Eligible Ordering Activities)—Alternate I; and

(2) The dollar value for sales to entities identified in paragraph (d) of clause 552.238-78, Alternate I.

(d) A listing of the Federal Supply Schedule contracts for the products and services available for disaster recovery purchasing is accessible in GSA's Schedules e-Library at Web site <http://www.gsaelibrary.gsa.gov>. Click on the link, "Disaster Recovery Purchasing, State and Local." The participating Contractors and the products and services available for disaster recovery purchasing will be labeled with the Disaster Recovery Purchasing icon. (End of clause)

[FR Doc. E7-1641 Filed 1-31-07; 8:45 am]

BILLING CODE 6820-61-P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Parts 192 and 195

[Docket No. PHMSA-05-21253; Amdt. Nos. 192-103 and 195-86]

RIN 2137-AD68

### Pipeline Safety: Update of Regulatory References to Technical Standards

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** PHMSA is amending a final rule published in the **Federal Register** on June 9, 2006, which updated the pipeline safety regulations to incorporate by reference all or parts of new editions of voluntary consensus technical standards to enable pipeline operators to utilize current technology, materials, and practices.

**DATES:** The final rule takes effect on March 5, 2007.

**FOR FURTHER INFORMATION CONTACT:** Richard D. Hurliaux, Director, Technical Standards at (202) 366-4565, by fax at (202) 366-4566, or by e-mail at [richard.hurliaux@dot.gov](mailto:richard.hurliaux@dot.gov). Copies of this document or other material in the docket can be reviewed by accessing the Docket Management System's home page at <http://dms.dot.gov>.

General information on the pipeline safety program is available at PHMSA's Web site at <http://phmsa.dot.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 9, 2006, PHMSA published a final rule in the **Federal Register** entitled "Pipeline Safety: Update of Regulatory References to Technical Standards" (71 FR 33402). Amendment Nos. 192-103, 193-19, and 195-86 updated references to pipeline-related technical standards and made a number of editorial corrections. We subsequently identified several omissions and editorial corrections in parts 192 and 195. In this correction notice we make the following corrections and edits:

- Three editorial corrections are necessary in § 192.1. The spelling of the word "apply" is corrected in the introductory text of paragraph (b), the comma is replaced by a ";" at the end of paragraph (b)(2), and the comma is replaced by ";" or " at the end of paragraph (b)(4)(iii). We are restating these entire paragraphs for clarity.

- In Part 192, the restatement of the table of standards incorporated by reference inadvertently deleted API Recommended Practice 80 (API RP 80), "Guidelines for the Definition of Onshore Gas Gathering Lines" (1st edition, April 2000). We are restating the list of API standards at § 192.7(c)(2) to properly include API RP 80.

- Paragraph 192.227(a) incorrectly references "Appendix A." We are correcting this to refer to "§ 192.7" and restating the entire paragraph for clarity.

- Paragraphs 192.727(g)(2) and 195.59(a) are updated to correctly reference the NPMS homepage at <http://www.npms.phmsa.dot.gov>. We are restating these entire paragraphs for clarity.

• Paragraphs 192.727(g)(1) and 195.59(b) are removed because the April 10, 2001, deadline to report pipeline facilities abandoned before October 10, 2000, has expired.

• Paragraphs 192.727(g)(1), 192.949, 192.951, and 195.59(a) are updated to reference the correct room number for the filing of reports, "Room 2103." We are restating these entire paragraphs for clarity.

• The current version of the gas pipeline safety regulations inadvertently omitted some text in the definition of High consequence area in paragraph § 192.903. This is corrected herein by adding back paragraphs (3) and (4) following paragraph (2)(ii) and updating the agency name.

• In § 192.949 paragraphs (1), (2), and (3) are corrected to read (a), (b), and (c) and the section heading is revised.

• In § 192.951 paragraphs (1), (2), and (3) are corrected to read (a), (b), and (c).

**Need for Correction**

As published, the final regulations contain errors which may prove to be misleading and need to be clarified.

**List of Subjects**

*49 CFR Part 192*

Incorporation by reference, Natural gas, Pipeline safety.

*49 CFR Part 195*

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety.

■ In consideration of the foregoing, PHMSA amends 49 CFR parts 192 and 195 to read 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; and 49 CFR 1.53.

■ 2. Paragraphs (b) introductory text, (b)(2), and (b)(4)(iii) of § 192.1 are revised to read as follows:

**§ 192.1 What is the scope of this part?**

\* \* \* \* \*

- (b) This part does not apply to—
(2) Pipelines on the Outer Continental Shelf (OCS) that are producer-operated

and cross into State waters without first connecting to a transporting operator's facility on the OCS, upstream (generally seaward) of the last valve on the last production facility on the OCS. Safety equipment protecting PHMSA-regulated pipeline segments is not excluded. Producing operators for those pipeline segments upstream of the last valve of the last production facility on the OCS may petition the Administrator, or designee, for approval to operate under PHMSA regulations governing pipeline design, construction, operation, and maintenance under 49 CFR 190.9;

(4) \* \* \*

(iii) Within inlets of the Gulf of Mexico, except for the requirements in § 192.612; or

\* \* \* \* \*

■ 3. Paragraph (c)(2), entry B. of § 192.7 is revised to read as follows:

**§ 192.7 What documents are incorporated by reference partly or wholly in this part?**

\* \* \* \* \*

- (c) \* \* \*
(2) Documents incorporated by reference.

Source and name of referenced material

49 CFR reference

B. American Petroleum Institute (API):

Table with 2 columns: Source and name of referenced material, 49 CFR reference. Rows include API Specification 5L, API Recommended Practice 5L1, API Specification 6D, API Recommended Practice 80, API 1104, and API Recommended Practice 1162.

■ 4. Paragraph (a) of § 192.227 is revised to read as follows:

**§ 192.227 Qualification of welders.**

(a) Except as provided in paragraph (b) of this section, each welder must be qualified in accordance with section 6 of API 1104 (incorporated by reference, see § 192.7) or section IX of the ASME Boiler and Pressure Vessel Code (incorporated by reference, see § 192.7). However, a welder qualified under an earlier edition than listed in § 192.7 of this part may weld but may not requalify under that earlier edition.

\* \* \* \* \*

■ 5. Paragraph (g)(1) of § 192.727 is revised and paragraph (g)(2) is removed to read as follows:

**§ 192.727 Abandonment or deactivation of facilities.**

\* \* \* \* \*

- (g) \* \* \*
(1) The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the NPMS "Standards for Pipeline and Liquefied Natural Gas Operator Submissions." To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at http://www.npms.phmsa.dot.gov or contact the NPMS National Repository at 703-317-

3073. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively,

operators may submit reports by mail, fax or e-mail to the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 2103, 400 Seventh Street, SW., Washington, DC 20590; fax (202) 366-4566; e-mail, [roger.little@dot.gov](mailto:roger.little@dot.gov). The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

(2) [Reserved].

■ 6. Section 192.903 is amended by adding paragraphs (3) and (4) of "High consequence area" to read as follows:

**§ 192.903 What definitions apply to this subpart?**

\* \* \* \* \*

*High consequence area* means an area established by one of the methods described in paragraphs (1) or (2) as follows:

\* \* \* \* \*

(3) Where a potential impact circle is calculated under either method (1) or (2) to establish a high consequence area, the length of the high consequence area extends axially along the length of the pipeline from the outermost edge of the first potential impact circle that contains either an identified site or 20 or more buildings intended for human occupancy to the outermost edge of the last contiguous potential impact circle that contains either an identified site or 20 or more buildings intended for human occupancy. (See Figure E.I.A. in Appendix E.)

(4) If in identifying a high consequence area under paragraph (1)(iii) of this definition or paragraph (2)(i) of this definition, the radius of the potential impact circle is greater than 660 feet (200 meters), the operator may identify a high consequence area based on a prorated number of buildings intended for human occupancy with a distance of 660 feet (200 meters) from the centerline of the pipeline until December 17, 2006. If an operator chooses this approach, the operator must prorate the number of buildings intended for human occupancy based on the ratio of an area with a radius of 660 feet (200 meters) to the area of the potential impact circle (i.e., the prorated number of buildings intended for human occupancy is equal to  $20 \times (660 \text{ feet}) / (\text{potential impact radius in feet})^2$ ).

\* \* \* \* \*

■ 7. Paragraphs (1), (2), and (3) of § 192.949 are redesignated to read as (a), (b), (c) and the section heading is revised:

**§ 192.949 How does an operator notify PHMSA?**

\* \* \* \* \*

(a) Sending the notification to the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 2103, 400 Seventh Street, SW., Washington, DC 20590;

(b) Sending the notification by fax to (202) 366-4566; or

(c) Entering the information directly on the Integrity Management Database (IMDB) Web site at <http://primis.phmsa.dot.gov/gasimp/>.

■ 8. Paragraphs (1), (2), and (3) of § 192.951 are redesignated to read as (a), (b), and (c):

**§ 192.951 Where does an operator file a report?**

\* \* \* \* \*

(a) By mail to the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 2103, 400 Seventh Street SW., Washington, DC 20590;

(b) Via fax to (202) 366-4566; or

(c) Through the online reporting system provided by PHMSA for electronic reporting available at the PHMSA Home Page at <http://phmsa.dot.gov>.

**PART 195—[AMENDED]**

■ 1. The authority citation for part 195 continues to read as follows:

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

■ 2. Paragraph (a) and the section heading of § 195.59 is revised and paragraph (b) is removed, to read as follows:

**§ 195.59 Abandonment or deactivation of facilities.**

\* \* \* \* \*

(a) The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the NPMS "Standards for Pipeline and Liquefied Natural Gas Operator Submissions." To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at <http://www.npms.phmsa.dot.gov> or contact the NPMS National Repository at 703-317-3073. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the

NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax or e-mail to the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 2103, 400 Seventh Street, SW., Washington, DC 20590; fax (202) 366-4566; e-mail, [roger.little@dot.gov](mailto:roger.little@dot.gov). The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

(b) [Reserved].

Issued in Washington, DC on January 24, 2007.

**Stacey L. Gerard,**

*Acting Deputy Administrator.*

[FR Doc. E7-1652 Filed 1-31-07; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 229**

[Docket No. 030221039-7021-39; I.D. 012507B]

**Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan**

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

**ACTION:** Temporary rule.

**SUMMARY:** The Assistant Administrator for Fisheries (AA), NOAA, announces temporary restrictions consistent with the requirements of the Atlantic Large Whale Take Reduction Plan's (ALWTRP) implementing regulations. These regulations apply to lobster trap/pot and anchored gillnet fishermen in