
Daniel Rosenblatt,
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

1. The authority citation for part 180 continues to read as follows:


2. In §180.960, amend table 1 to the section by adding, in alphabetical order, the polymer “α-D-Glucopyranoside, β-D-fructofuranosyl, polymer with methyloxirane and oxirane with a minimum number average molecular weight (in amu) of 9,800” to the table to read as follows:

<table>
<thead>
<tr>
<th>Polymer</th>
<th>CAS no.</th>
</tr>
</thead>
<tbody>
<tr>
<td>α-D-Glucopyranoside, β-D-fructofuranosyl, polymer with methyloxirane and oxirane with a minimum number average molecular weight (in amu) of 9,800</td>
<td>26301–10–0</td>
</tr>
</tbody>
</table>

A. Technical Corrections To Ensure Consistency Between §§192.714 and 192.933

Among the August 2022 Final Rule’s regulatory amendments were the enhancement of existing repair criteria and repair schedules for anomalies discovered in a High Consequence Area (HCA) and the extension of those repair criteria and schedules to onshore gas transmission lines outside an HCA. See 87 FR at 52226 (“The content of the non-HCA repair criteria being finalized in this rule is consistent with the criteria for HCAs”). This was achieved by adding similar repair criteria and scheduling requirements to both 49 CFR 192.714 (applicable to non-HCA lines) and §192.933 (applicable to HCA lines). See 87 FR at 52246. However, PHMSA has identified three instances in the amended regulatory text that would benefit from technical correction to facilitate timely implementation of the August 2022 Final Rule consistent with the function and purposes described in the administrative record.

First, both §§192.714 and 192.933 provide, at respective paragraph (d)(1), for specific conditions that must be repaired immediately. These are the most severe, risk-bearing conditions and the August 2022 Final Rule set out the importance for public and environmental safety of their swift remediation upon detection. That detection may come from regularly scheduled assessments and the evaluation of anomalies that appear indicative of a serious condition. Section 7 of ASME/ANSI B31.8S provides that examination of these indications must occur “within a period not to exceed 5 days following the determination of the condition,” with “prompt[ ]” remediation thereafter of
any defect found to require repair or removal. ASME/ANSI B31.8S, section 7 is incorporated in the HCA immediate repair criteria at § 192.933(d)(1) for operators to follow in their evaluation and remediation schedule. However, parallel language was inadvertently omitted from § 192.714(d). See 87 FR at 52246 (referencing ASME/ANSI B31.8S, section 7 in the preamble discussion supporting § 192.714). This omission from § 192.714 leaves unintended asymmetry in the evaluation and remediation schedule for immediate repair conditions in §§ 192.714 between HCA and non-HCA lines, with potential for operator confusion. As the § 192.714 repair criteria were intended to largely mirror those at § 192.933, PHMSA is correcting this oversight by adding to the beginning of § 192.714(d)(1) similar language that begins § 192.933(d)(1): “An operator’s evaluation and remediation schedule for immediate repair conditions must follow section 7 of ASME/ANSI B31.8S (incorporated by reference, see § 192.7).” See §§ 192.661(d)(3) and 192.933(d)(3) list various “monitored conditions” that entail less acute risk to public safety and the environment but which nevertheless merit monitoring by operators to ensure no further degradation occurs. Evidence supporting differentiation between a scheduled repair condition and a monitored repair condition can include an engineering critical assessment (ECA) demonstrating critical strain levels are not exceeded; conversely, exceedance of critical strain levels will often require a condition be scheduled for a repair under §§ 192.714(d)(2) and 192.933(d)(2). For that reason, PHMSA explained during the Gas Pipeline Advisory Committee (GPAC) meeting that it intended for dent repair criteria for both HCA and non-HCA areas to provide that “[d]ents analyzed by ECA, but shown to not exceed critical strain levels[,] would be Monitored Conditions” under §§ 192.714(d)(3) and 192.933(d)(3). However, the regulatory text adopted by the August 2022 Final Rule omits references to ECA as an element for only two of three monitored dent conditions in § 192.714 (applicable to non-HCA lines), even as it referenced ECA for all three monitored dent conditions in § 192.933 (applicable to HCA lines). See §§ 192.714(d)(3)(i)–(iii) and 192.933(d)(3)(i)–(iii). The omission of ECA in the criteria at § 192.714(d)(3)(i) for dents on the bottom third (1/3) of the pipeline was inadvertent, as further demonstrated by reference to the same condition found in § 192.933(d)(3)(i) for HCA pipelines, which correctly includes the reference to an ECA. Accordingly, PHMSA is correcting the editorial oversight at § 192.714(d)(3)(i) by revising the regulatory language to provide that a dent on the bottom third (1/3) of a pipeline can be a monitored condition “where an engineering analysis, performed in accordance with § 192.712(c), demonstrates critical strain levels are not exceeded.”

Third, PHMSA also clarifies that § 192.714(b) permits operators in default circumstances to use the default values provided for in § 192.712(d)(3) and (e)(2) to calculate predicted failure pressure during repair operations when their documented material properties are unknown. Section 192.714(b) sets general, baseline requirements to “ensure that the repairs are made in a safe manner” and requires a “pipeline segment’s operating pressure [to] be less than the predicted failure pressure determined in accordance with § 192.712 during repair operations.” Section 192.712 directs operators to use material property values that are documented in traceable, verifiable, and complete records where possible and provides conservative values operators may use where they are not. See § 192.712(d)(3), (e)(2). Operators must, in complying with §§ 192.712(b) and 192.933(a), either use documented material properties where they are available; obtain any missing documentation through § 192.607 where possible; or where such documentation is unavailable and cannot be obtained in a timely manner, employ the conservative assumptions in § 192.712 in their stead. See 87 FR at 52253. To make this clear, PHMSA is issuing a technical correction to add as the final sentence to both §§ 192.712(b) and 192.933(a): “Until documented material properties are available, the operator must use the conservative assumptions in either § 192.712(e)(2) or, if appropriate following a pressure test, in § 192.712(d)(3).” As PHMSA explained in the August 2022 Final Rule, an operator “missing any material properties during anomaly evaluations and repairs” should, through the ensuing repair operation, “confirm those material properties under §§ 192.607 and 192.712(e) through (g)” for future use. 87 FR at 52253.

B. Technical Correction to § 192.319(f) for Consistency With § 192.461(h)

Regarding Schedule for Completing Any Necessary Repairs

PHMSA also intended in the August 2022 Final Rule to establish a consistent approach for scheduling remediation of severe coating damage for newly installed (pursuant to § 192.319) and existing (pursuant to § 192.461) pipelines to protect against corrosion. As PHMSA explained during the GPAC meeting, PHMSA intended both §§ 192.319 and 192.461 to provide operators 1 year total (contingent on obtaining any necessary permits) to complete the assessment of a pipe’s corrosion protective coating and make any needed repairs; specifically, PHMSA intended to provide operators 6 months for the assessment plus 6 months from the assessment to complete any necessary repairs, with an allowance for permitting delays. While § 192.461 contains language providing for this schedule at paragraphs (f) (assessment) and (h) (repair), and § 192.319 provides for the same schedule at paragraph (d) (assessment), PHMSA inadvertently omitted such language from paragraph (f) (repair) of § 192.319. PHMSA is therefore issuing a technical correction so that § 192.319(f) provides 6 months from the assessment, or as soon as practical after obtaining necessary permits, to complete any necessary repairs. This technical correction will also ensure that under § 192.319(f) operators apply for any needed permits within 6 months, mirroring the language in § 192.461(h).

C. Technical Correction To Specify the Unit Measurement in § 192.473(c)(3) Is in Alternating Current (AC)

Finally, among several provisions providing safety measures against potential corrosion, the August 2022 Final Rule includes language at § 192.473(c) obliging operators to conduct interference surveys to detect certain stray currents, for example, from "co-located pipelines, structures, or high voltage alternating current (HVAC) power lines.” 87 FR at 52269 (amending § 192.473(c)(1)). Detecting and remediating interference surveys is essential to protecting pipeline integrity against stray currents.

3 PHMSA included amended language at § 192.7(c)(6) to incorporate by reference ASME/ANSI B31.8S for § 192.714(d). See 87 FR at 52267.
5 GPAC, June 6 to 7, 2017 Meeting Slides at slides 10 & 13 [June 2017] (providing 6 months for assessment “plus 6 months to complete repair”).
6 GPAC, June 6, 2017 Meeting Transcript, at 40. The GPAC material is available on the public meeting page accessible at https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=123.
that interfere with a corrosion control system. 87 FR at 52237. Section 192.473(c)(3), as adopted by the August 2022 Final Rule, requires that operators take remedial action when those surveys detect interference current that meets or exceeds 100 amps per meter square. The precise unit of measure is “100 amps per meter squared alternating current (AC).” 100 amps is calibrated as the appropriate value when measured in AC, as PHMSA has also specified in special permits it has issued, stating: “Remedial action is required when the interference . . . is at a level that could cause significant corrosion (defined as 100 amps per meter square for AC-induced corrosion).” See, e.g., Special Permit Requested by Natural Gas Pipeline Company of America, LLC, Class 1 to Class 3, Dkt. No. PHMSA–2019–0150 (Issued May 17, 2022), https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-05/2019-0150-NGPL-Class-1-to-3-FL-SP-05-17-2022.pdf; Special Permit Requested by Florida Gas Transmission Company, LCC, Class 1 to Class 3, Dkt. No. PHMSA–2020–0001 (Issued Mar. 31, 2022), https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-04/2020-0001-Florida-Gas-Transmission-SP-Class-1-to-3-FL-SP-03-31-2022.pdf. PHMSA is issuing a technical correction to clarify in the regulatory text of § 192.473(c)(3) that the unit of measure is in AC.

D. Response to Petitions for Reconsideration

PHMSA alerts the public and regulated community to its responses to petitions for reconsideration filed by the American Gas Association (AGA), the Interstate Natural Gas Association of America (INGAA), and the American Petroleum Institute (API). On September 23, 2022, AGA submitted a petition for reconsideration of the August 2022 Final Rule requesting clarification of two definitions at § 192.3 (regarding “in-line inspection” and “transmission line”) and additional compliance time. See Docket No. PHMSA–2021–0023–0643. PHMSA’s November 18, 2022, response letter to AGA’s petition is available in the docket for this rulemaking at Docket No. PHMSA–2021–0023–0664.

Also on September 23, 2022, INGAA and API jointly submitted a petition for reconsideration of the August 2022 Final Rule that raised a wide variety of requests, including additional compliance time. See Docket No. PHMSA–2021–0023–0644. PHMSA’s April 19, 2023, response letter to INGAA and API’s petition is available in the docket for this rulemaking at Docket No. PHMSA–2021–0023–0649. Several of the issues raised in this petition have also informed technical corrections made in this notice.

IV. Regulatory Analyses and Notices

A. Legal Authority

Statutory authority for these technical corrections to the August 2022 Final Rule, as with that final rule itself, is provided by the Federal Pipeline Safety Act (49 U.S.C. 60101 et seq.). The Secretary delegated his authority under the Federal Pipeline Safety Act to the PHMSA Administrator under 49 CFR 1.97.

PHMSA finds it has good cause to make these five technical corrections without notice and comment pursuant to Section 553(b) of the Administrative Procedure Act (APA, 5 U.S.C. 551 et seq.). Section 553(b)(2) of the APA provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. These technical corrections, as explained above, are all editorial in nature and consistent with the intent of the recently published August 2022 Final Rule, which itself was the product of a decade-long rulemaking record with extensive notice and opportunity for comment, including various occasions for input through the GPAC at public meetings. The technical corrections make no substantive changes to the August 2022 Final Rule but merely facilitate its implementation by aligning the regulatory text with explanatory material in the August 2022 Final Rule’s preamble and the administrative record. Because the August 2022 Final Rule is the product of an extensive administrative record with numerous opportunities (including through written comments and the advisory committee) for public comment, PHMSA finds that additional comment on the technical corrections herein is unnecessary.

B. Executive Order 12866 and DOT Regulatory Policies and Procedures

These technical corrections have been evaluated in accordance with existing policies and procedures and are considered not significant under Executive Order 12866 (“Regulatory Planning and Review”) and DOT Order 2100.6A (“Rulemaking and Guidance Procedures”). While the August 2022 Final Rule received review by the Office of Management and Budget (OMB) under Executive Order 12866, these technical corrections (which are consistent with the final rule) are not considered significant and accordingly, this notice has not been reviewed under that authority. PHMSA finds that the technical corrections herein (in all respects consistent with the final rule) neither impose incremental compliance costs nor adversely affect safety.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act, as amended by the Small Business Regulatory Flexibility Fairness Act of 1996 (RFA, 5 U.S.C. 601 et seq.), generally requires Federal regulatory agencies to prepare a Final Regulatory Flexibility Analysis (FRFA) for a final rule subject to notice-and-comment rulemaking under the APA. 5 U.S.C. 604(a). PHMSA did so for the August 2022 Final Rule, where the FRFA is available in the rulemaking docket, and that analysis remains unchanged as the technical corrections will impose no new incremental compliance costs.

Because PHMSA has “good cause” under the APA to forego comment on the technical corrections herein, no RFA is required, consistent with the Small Business Administration’s implementing guidance which explains that “[i]f an NPRM is not required, the RFA does not apply.”

D. Paperwork Reduction Act

The technical corrections in this notice impose no new or revised information collection requirements beyond those discussed in the August 2022 Final Rule.

E. Unfunded Mandates Reform Act of 1995

These technical corrections do not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995 (UMRA, 2 U.S.C. 1501 et seq.). PHMSA prepared an analysis of the UMRA considerations in the final regulatory impact analysis for the August 2022 Final Rule, which is available in the docket for the rulemaking.

These technical corrections have no substantial effect on that analysis as they will impose no new incremental compliance costs. PHMSA has analyzed the technical corrections in this notice

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5 FR 51735 (Oct. 4, 1993).
7 This requirement is subject to exceptions—which are not in any event applicable here because PHMSA has good cause to forego comment in adopting the technical correction herein.
under the factors in the UMRA, as well, and determined that the technical corrections to the final rule herein do not impose enforceable duties on State, local, or Tribal governments or on the private sector of $100 million or more, adjusted for inflation, in any one year.

F. National Environmental Policy Act

The National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 et seq.) requires Federal agencies to prepare a detailed statement on major Federal actions significantly affecting the quality of the human environment. PHMSA analyzed the August 2022 Final Rule in accordance with NEPA, implementing Council on Environmental Quality regulations (40 CFR parts 1500–1508), and DOT implementing policies (DOT Order 5610.1C, “Procedures for Considering Environmental Impacts”) and determined the final rule would not significantly affect the quality of the environment. The technical corrections in this notice have no effect on PHMSA’s earlier NEPA analysis prepared on the August 2022 Final Rule as the technical corrections are consistent, and merely facilitate compliance with, the August 2022 Final Rule. The purpose of the technical corrections is to further improve safety in conducting operations and repairs.

G. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

H. Executive Order 13132 (Federalism)

PHMSA has analyzed this notice in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”). PHMSA has previously determined that the August 2022 Final Rule itself did not impose any substantial direct effect on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government, see 87 FR at 52266; nor do the technical corrections herein, which are consistent with the August 2022 Final Rule and merely facilitate its compliance. Therefore, the technical corrections do not affect the quality of the human environment.11 The technical corrections in this notice have no effect on PHMSA’s earlier NEPA analysis prepared on the August 2022 Final Rule as the technical corrections are consistent, and merely facilitate compliance with, the August 2022 Final Rule. The purpose of the technical corrections is to further improve safety in conducting operations and repairs.


12 64 FR 43255 (Aug. 10, 1999).


14 65 FR 52266; nor do the technical corrections herein, which are consistent with the August 2022 Final Rule and merely facilitate its compliance. Therefore, the technical corrections do not affect the quality of the human environment.

15 77 FR 26413 (May 4, 2012).
interference current is greater than or equal to 100 amps per meter squared alternating current (AC), or if it impedes the safe operation of a pipeline, or if it may cause a condition that would adversely impact the environment or the public; and

4. Section 192.714, as added August 24, 2022, at 87 FR 52271, and effective May 24, 2023, is amended by revising paragraphs (b), (d)(1) introductory text, and (d)(3)(i) to read as follows:

§ 192.714 Transmission lines: Repair criteria for onshore transmission pipelines.

(b) General. Each operator must, in repairing its pipeline systems, ensure that the repairs are made in a safe manner and are made to prevent damage to persons, property, and the environment. A pipeline segment's operating pressure must be less than the predicted failure pressure determined in accordance with § 192.712 during repair operations. Repairs performed in accordance with this section must use pipe and material properties that are documented in traceable, verifiable, and complete records. If documented data required for any analysis, including predicted failure pressure for determining MAOP, is not available, an operator must obtain the undocumented data through § 192.607. Until documented material properties are available, the operator must use the conservative assumptions in either § 192.712(e)(2) or, if appropriate following a pressure test, in § 192.712(d)(3).

(d) * * * * *

(1) Immediate repair conditions. An operator’s evaluation and remediation schedule for immediate repair conditions must follow section 7 of ASME/ANSI B31.8S (incorporated by reference, see § 192.7). An operator must repair the following conditions immediately upon discovery:

(i) A dent that is located between the 4 o’clock and 8 o’clock positions (bottom 1/3 of the pipe) with a depth greater than 6 percent of the pipeline diameter (greater than 0.50 inches in depth for a pipeline diameter less than NPS 12), and where an engineering analysis, performed in accordance with § 192.712(c), demonstrates critical strain levels are not exceeded.

§ 192.933 What actions must be taken to address integrity issues?

(a) General requirements. An operator must take prompt action to address all anomalous conditions the operator discovers through the integrity assessment. In addressing all conditions, an operator must evaluate all anomalous conditions and remediate those that could reduce a pipeline’s integrity. An operator must be able to demonstrate that the remediation of the condition will ensure the condition is unlikely to pose a threat to the integrity of the pipeline until the next reassessment of the covered segment. Repairs performed in accordance with this section must use pipe and material properties that are documented in traceable, verifiable, and complete records. If documented data required for any analysis is not available, an operator must obtain the undocumented data through § 192.607. Until documented material properties are available, the operator must use the conservative assumptions in either § 192.712(e)(2) or, if appropriate following a pressure test, in § 192.712(d)(3).

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

Tristan H. Brown,
Deputy Administrator, Pipeline and Hazardous Materials Safety Administration.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17


RIN 1018–BG77

Endangered and Threatened Wildlife and Plants; Technical Corrections for 62 Wildlife and Plant Species on the Lists of Endangered and Threatened Wildlife and Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Partial withdrawal of direct final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are withdrawing, in part, a February 2, 2023, direct-final rule that revises the taxonomy of 62 wildlife and plant species listed under the Endangered Species Act of 1973, as amended (Act). For the Hawaiian hoary bat (Lasiurus cinereus semotus), we received comments relating to scientific research relevant to its taxonomic classification; and as a result, we are withdrawing the amendment in the direct final rule for this species only. The amendments in the direct final rule for the other 61 wildlife and plant species will be effective on May 3, 2023.

DATES: Effective April 24, 2023, the Service withdraws amendatory instruction 2.a published at 88 FR 7142 on February 2, 2023.

ADDRESSES: The direct final rule may be found online at https://www.regulations.gov under Docket No. FWS–R1–ES–2022–0062.

FOR FURTHER INFORMATION CONTACT: Mariet Zablan, Program Manager for Restoration and Endangered Species Classification, U.S. Fish and Wildlife Service, Pacific Regional Office, Ecological Services, 911 NE 11th Avenue, Portland, OR 97232; telephone 503–231–6131. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

Our regulations under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 et seq.), in title 50 of the Code of Federal Regulations at 50 CFR 17.11(c) and 17.12(b) direct us to use the most recently accepted scientific names for species on the Lists of Endangered and Threatened Wildlife and Plants (50 CFR 17.11(b) and 17.12(b)). Accordingly, on February 2, 2023, we published in the Federal Register a direct final rule (88 FR 7134) to revise the taxonomy and nomenclature of 62 wildlife and plant species listed under section 4 of the Act (16 U.S.C. 1531 et seq.). All of these changes are supported by peer-reviewed scientific studies and reflect taxonomy that has been accepted by taxonomic authorities. Specific references relevant to each species are cited in the text of the February 2, 2023, direct final rule, and the list of references is posted as a supporting document at https://www.regulations.gov under Docket No. FWS–R1–ES–2022–0062.

Consequently, we published the direct final rule without a prior proposal.