

Dated: April 6, 2007.

Patrick B. Trapp,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05-07-015]

RIN 1625-AA00

Security Zone: America's 400th Celebration, Jamestown, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The United States Coast Guard is establishing a security zone encompassing waters within 2-nautical miles of Church Point at 37-12.45N, 076-46.66W, Jamestown Island, VA, for America's 400th Anniversary celebration. This action is intended to restrict vessel traffic within the security zone. This security zone is necessary to protect attendees of this event from potential maritime hazards and threats and enhance public and maritime security.

DATES: This rule is effective from 3 p.m. on May 11, 2007 until 10 p.m. on May 13, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD05-07-015 and are available for inspection or copying at USCG Sector Hampton Roads, 4000 Coast Guard Blvd., Portsmouth, Virginia 23703, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Thomas Tarrants, Enforcement Branch Chief, U.S. Coast Guard Sector Hampton Roads, Virginia at (757) 483-8571.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 12, 2007, we published a notice of proposed rulemaking (NPRM) entitled "Security Zone: America's 400th Celebration, Jamestown, VA," in the **Federal Register** (72 FR 10958). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

Following terrorist attacks on the United States in September 2001, there

is now a heightened awareness that vessels or persons could engage in subversive activity against targets ashore in the United States. This regulation is necessary to protect attendees of America's 400th Anniversary celebration on Jamestown Island, VA, from potential maritime threats. This temporary security zone will only be in effect from 3 p.m. on May 11, 2007 until 10 p.m. on May 13th, 2007. This zone will have minimal impact on vessel transits because vessels can request authorization from the Captain of the Port (COTP) to safely transit through the zone and they are not precluded from using any portion of the waterway except the security zone area itself. Additionally, public notifications announcing this regulation will be made via marine information broadcasts prior to the zone taking effect.

Discussion of Comments and Changes

The Coast Guard received no comments from the public regarding the Notice of Proposed Rulemaking. As no public comments were received, no changes were made to the Notice of Proposed Rulemaking.

Discussion of Rule

The Coast Guard is establishing a temporary security zone on specified waters to provide protection to dignitaries visiting Jamestown Island. The security zone will be effective from 3 p.m. on May 11, 2007, until 10 p.m. on May 13, 2007. The security zone will be enforced from 3 p.m. until 10 p.m. on May 11, 2007; from 9 a.m. to 11 p.m. on May 12, 2007; and from 9 a.m. to 10 p.m. on May 13, 2007.

The security zone will encompass all waters around Jamestown Island, VA within a 2-nautical mile radius of Church Point at 37-12.45N, 076-46.66W. No persons or vessels may enter or remain in the regulated area without authorization by the Captain of the Port, Hampton Roads, or his designated representative.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full regulatory evaluation under the

regulatory policies and procedures of DHS is unnecessary. Although this rulemaking restricts access to the regulated area, the effect of this rulemaking will not be significant because: (i) The COTP may authorize access to the security zone; (ii) the security zone will be in effect for a limited duration; (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

However, this rule may affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in the described portion of the security zone between 3 p.m. on May 11, 2007, to 10 p.m. on May 13, 2007. The security zone will not have a significant impact on a substantial number of small entities because the zone does not encompass a high vessel traffic area, and vessels can request authorization from the COTP to enter the zone. Maritime advisories will also be issued, so the mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rulemaking would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LCDR Thomas Tarrants, Enforcement Branch Chief, U.S. Coast Guard Sector Hampton Roads, Virginia at (757) 483-8571.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman

and Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the U.S. Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order

13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction, from further environmental documentation. A final "Environmental

Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting & recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 subpart D as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub.L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05-015, to read as follows:

§ 165.T05-015 Security Zone: Jamestown Island, VA.

(a) *Location.* The following area is a security zone: All waters within a 2-nautical mile radius of Church Point at 37-12.45N, 076-46.66W on Jamestown Island, VA.

(b) *Definition.* As used in this section; *Designated representative* means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulation.* (1) In accordance with the general regulations in 165.33 of this part, entry into this zone as described in paragraph (a) is prohibited unless authorized by the Captain of the Port, Hampton Roads, Virginia, or his designated representative.

(2) The operator of any vessel in the immediate vicinity of this security zone shall:

(i) Stop the vessel immediately upon being directed to do so by the Captain of the Port, Hampton Roads, Virginia, or his designated representative on board a vessel displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by the Captain of the Port, Hampton Roads, Virginia, or his designated representative on board a vessel displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads, Virginia can be contacted at telephone number (757) 668-5555.

(4) U.S. Coast Guard vessels enforcing the security zone can be contacted on VHF-FM marine band radio, channel 13

(156.65 MHz) and channel 16 (156.8 MHz).

(d) *Enforcement period.* The security zone will be enforced from 3 p.m. until 10 p.m. on May 11, 2007; from 9 a.m. to 11 p.m. on May 12, 2007; and from 9 a.m. to 10 p.m. on May 13, 2007.

(e) *Effective period.* This regulation is effective from 3 p.m. on May 11, 2007, to 10 p.m. on May 13, 2007.

Dated: April 6, 2007.

Patrick B. Trapp,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA-2005-22642]

RIN 2137-AE09

Pipeline Safety: Design and Construction Standards To Reduce Internal Corrosion in Gas Transmission Pipelines

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

ACTION: Final rule.

SUMMARY: This final rule requires operators to use design and construction features in new and replaced gas transmission pipelines to reduce the risk of internal corrosion. The design and construction features required by this rule will reduce the risk of internal corrosion and related pipeline failures by reducing the potential for accumulation of liquids and facilitating operation and maintenance practices that address internal corrosion.

DATES: This final rule takes effect May 23, 2007.

FOR FURTHER INFORMATION CONTACT: Barbara Betsock by phone at (202) 366-4361, by fax at (202) 366-4566, or by e-mail at barbara.betsock@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

We initiated this rulemaking proceeding in response to a 2003 recommendation of the National Transportation Safety Board (NTSB) and corresponding advice of the Technical Pipeline Safety Standards Committee (TPSSC). The NTSB recommendation arose out of its investigation of the

August 19, 2000 gas transmission pipeline explosion near Carlsbad, New Mexico in which 12 people were killed. In its accident investigation report, PAR-03-01, issued February 11, 2003, the NTSB concluded that the immediate cause of the Carlsbad pipeline failure was severe internal corrosion. The NTSB recommended that PHMSA (1) require that new and replaced gas transmission pipelines be designed and constructed with features to mitigate internal corrosion; (2) require operators to ensure that their internal corrosion control programs address water and other contaminants in the corrosion process; and (3) change its Federal inspection to ensure adequate assessments of pipeline operator safety programs. In 2004 and 2005, the NTSB closed as acceptable PHMSA actions to respond to the second and third recommendations. This rulemaking proceeding responds to the first recommendation.

On December 15, 2005, PHMSA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (70 FR 74262) proposing to require operators to use design and construction features to reduce the risk of internal corrosion in transmission pipelines. As we explained in the NPRM, the proposed rule was intended to prevent the risk of internal corrosion by applying knowledge and experience about the causes and prevention of corrosion to design of pipelines. The incorporation of design features to address internal corrosion improves the ability of the operator to prevent internal corrosion and facilitates maintenance activities to control internal corrosion.

The basic requirements of this final rule are similar to those proposed in the NPRM. New and replaced gas transmission pipelines must be configured to reduce the risk that liquids will collect in the line; have effective liquid removal features; and allow use of corrosion monitoring devices in locations with significant potential for internal corrosion. When an operator changes the configuration of a pipeline, the operator must consider and address the impact the changes will have on the risk of internal corrosion in an existing downstream pipeline. This final rule does not supersede or negate the requirement to address internal corrosion during operation and maintenance activities. Designing and building a pipeline in accordance with the final rule will not prevent internal corrosion unless the operator also follows a well-planned maintenance program. For example, incorporating equipment to measure gas quality will

not prevent internal corrosion unless it is used and the operator acts on the results.

Advisory Committee Consideration

PHMSA briefed the TPSSC in June 2005 and considered the Committee's advice in developing the NPRM. PHMSA presented the NPRM and regulatory evaluation to the TPSSC for formal consideration at their meeting on June 28, 2006. At that meeting, members expressed concern that the proposed documentation requirements were burdensome. TPSSC members asked for information about whether PHMSA intended to require detailed documentation of every action taken during design and construction; what alternatives commenters suggested; and how the NTSB reached its recommendation. PHMSA provided additional information in the form of a concept paper on the documentation needed for compliance, an expanded summary of comments, and excerpts from the NTSB report on the Carlsbad incident. PHMSA briefed the TPSSC at a meeting on August 26, 2006 and outlined changes we intended to make in response to comments. A few members expressed individual concerns about particular issues. These concerns are addressed in the remainder of this preamble. The TPSSC voted unanimously to support the NPRM as technically feasible, reasonable, cost-effective and practicable, provided the final rule included the changes PHMSA outlined at the meeting. In addition, the TPSSC advised PHMSA to hold discussions in an open forum on enforcement criteria, including protocol development and recordkeeping. The final rule is consistent with the discussion at the TPSSC meeting. In accordance with the TPSSC's advice, PHMSA intends to convene an open forum soon after the final rule is issued.

Comments on the NPRM

PHMSA received public comments on the NPRM from 18 commenters, 13 of them operators of gas transmission pipelines. The Gas Piping Technology Committee, Interstate Natural Gas Association of America, American Gas Association, the Texas Pipeline Association, and the Iowa Utilities Board also commented. Commenters agreed with the basic concept of the proposal—addressing internal corrosion risks during design and construction. Most commenters viewed the documentation requirements of the proposed rule as burdensome. Some expressed confusion about what an operator would have to do to comply. As an example, some questioned