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[FR Doc. 93-5765 Filed 3-17-93; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192, 193, and 195

[Docket No. PS-131]

RIN 2137 AC13

Update of Standards Incorporated by Reference

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

ACTION: Final rule.

SUMMARY: This final rule updates existing references to voluntary specifications and standards to reflect more recent published editions of each document. Many currently referenced editions are outdated and some are out-of-print. This final rule will enable pipeline operators to utilize current technology, materials, and practices, thereby reducing costs and enhancing economic growth consistent with the President's goals of regulatory review. **EFFECTIVE DATE:** This final rule takes effect April 19, 1993.

FOR FURTHER INFORMATION CONTACT: Christina M. Sames, (202) 366-4561, regarding the contents of this final rule; or the Dockets Unit, (202) 366-4453, for copies of this final rule or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

In a January 28, 1992, memorandum, President Bush wrote to Department and agency heads about the need to reduce the burden of government regulation. The President was concerned that regulations which do not keep pace with new technologies and innovations impose needless costs and impede economic growth.

In response to the President's memorandum, DOT published a notice requesting public comment on the Department's regulatory programs (57 FR 4745; February 7, 1992). Commenters were asked to identify regulations which substantially impede economic growth, may no longer be necessary, are unnecessarily burdensome, impose needless costs or red tape, or overlap or conflict with

other DOT or Federal regulations. The deadline for submitting comments was March 2, 1992.

RSPA received comments from 39 persons and organizations about its pipeline safety regulations. Most of the comments came from regulated pipeline companies, pipeline trade associations and state pipeline safety agencies. In response to these comments, RSPA will publish several Notices of Proposed Rulemakings (NPRMs) concerning changes to miscellaneous gas, liquefied natural gas, hazardous liquid and carbon dioxide pipeline safety standards. RSPA expects these changes to provide clarity, eliminate unnecessary or overly burdensome requirements, and foster economic growth. A NPRM titled "Regulatory Review: Gas Pipeline Safety Standards" (57 FR 39572; August 31, 1992) and a future NPRM titled "Regulatory Review: Hazardous Liquid and Carbon Dioxide Pipeline Safety Standards" reference this "Update of Standards Incorporated by Reference."

Among its comments to the DOT notice, the Interstate Natural Gas Association of America (INGAA) recommended RSPA update references to voluntary standards to reflect the latest published editions of those standards. INGAA stated it was essential the references be kept current in order to allow operators to take advantage of the latest editions of specifications and standards.

Parts 192, 193, and 195 incorporate by reference all or portions of 44 different documents containing practices, codes, standards, and specifications developed and published by technical organizations. Many of the editions currently referenced are now out-of-print or obsolete. Since later published editions utilize or are based on up-to-date technology, some aspects of pipeline design and construction may be unnecessarily burdened by requiring compliance with earlier referenced editions.

To avoid this unnecessary burden and allow operators to take advantage of the technological improvements in methods and materials, this final rule updates references to documents to later published editions of those documents. The later editions referenced are set forth below by name and date in amendments to appendixes A and B of part 192, appendix A of part 193, and § 195.3.

Summary of Editorial Changes

Besides adopting later published editions of documents incorporated by reference, this final rule also makes the

following associated editorial changes to parts 192, 193, and 195.

General

In parts 192, 193, and 195, all references to NFPA are amended to read ANSI/NFPA.

In parts 192, 193, and 195, all references to ANSI are amended to read ASME/ANSI.

In parts 192 and 195, all references to ASTM A 333 are amended to read ASTM A 333/A 333M.

The address for the American National Standards Institute (ANSI) has been changed. The correct address is 11 West 42nd Street, New York, NY 10036. Parts 192, 193, and 195 are amended to reflect this change.

The address for the American Petroleum Institute (API) has been changed. The correct address is 1220 L Street, NW., Washington, DC 20005. Parts 192, 193, and 195 are amended to reflect this change.

The address for the Manufacturers Standardization Society of the Valve and Fittings Industry (MSS) has been changed. The correct address is 127 Park Street, NE., Vienna, VA 22180. Parts 192 and 195 are amended to reflect this change.

The address for the National Fire Protection Association (NFPA) has been changed. The correct address is 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. Parts 192 and 193 are amended to reflect this change.

Part 192

Section 192.7(b) is clarified by adding "400 Seventh Street SW.," after "Administration" and "in accordance with 5 U.S.C. 552(a) and 1 CFR part 51" after the second "Federal Register."

Section 192.11(a) is amended by removing "NFPA Standards" from the term "NFPA Standards No. 58 and No. 59" and adding "ANSI/NFPA" in its place.

Section 192.55(e) is amended by removing the word "Standard" and adding "Specification" in its place.

Section 192.65(a) is amended by removing the 1972 edition date of API Recommended Practice 5L1. This edition has been superseded and the latest edition is referenced in appendix A of part 192. Section 192.65(a) is also amended by deleting " * * ", except that before February 25, 1975, the transportation may be performed in accordance with the 1967 edition of API RP5L1. This wording no longer serves a useful purpose and the deletion will help clarify the current regulation.

Section 192.153(a) is clarified by adding "Division 1" after "section VIII."

Section 192.153(b) is clarified by adding "section VIII, Division 1, or

section VIII, Division 2 of" prior to "the ASME Boiler and Pressure Vessel Code."

Section 192.177(b)(1) and appendix A are amended by removing the term "ASTM A 372" and adding "ASTM A 372/A 372M" in its place.

Section 192.281, paragraphs (b)(2) and (d)(1), are amended by removing the word "Specification" and adding "Designation" in its place.

The American Society for Testing and Materials has amended and redesignated paragraphs 8.6 and 8.7 of ASTM D 2513 to paragraphs 6.6 and 6.7. Section 192.283(a)(1)(i) is amended to reflect this change.

Section 192.283(a)(1)(ii) is amended by removing the title to paragraph 8.5 of ASTM D 2517, "Minimum Hydrostatic Burst Pressure," and adding "Short-Term Rupture Strength (Minimum Hoop Stress)" in its place.

Section 192.283(b)(1) is amended by removing "-77a" from "D638-77a." The 1977a edition of ASTM D 638 has been superseded and the latest edition is referenced in appendix A of part 192.

Part 192, appendix A, is amended to include "ASME Boiler and Pressure Vessel Code, Section VIII, Division 2—Pressure Vessels Alternative Rules." This standard was inadvertently omitted.

Part 192, appendix A, is amended by removing standards NFPA 30, "Flammable and Combustible Liquids Code," and NFPA 59A, "Storage and Handling of Liquefied Petroleum Gases." These standards are no longer referenced in part 192.

Part 193

The American National Standards Institute has discontinued specification ANSI A 58.1, "Building Code Requirements for Minimum Design Loads in Buildings and Other Structures." The American Society of Civil Engineers has replaced ANSI A 58.1 with standard ASCE 7-88, "Minimum Design Loads for Buildings and Other Structures." Sections 193.2067(b)(1), 193.2109(c), and appendix A of part 193 are amended to reflect this change.

Section 193.2013(b) is amended by adding "These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51." after the first sentence.

Section 193.2141(a) is amended by removing "7-62" and adding "7-6.2" in its place.

The American Concrete Institute has discontinued specification ACI-311-75, "Recommended Practice for Concrete Inspection," and in its place has

published: (1) ACI-311.4R-88, "Guide for Concrete Inspection," and (2) ACI-311.5R-88, "Batch Plant Inspection and Field Testing of Ready-Mixed Concrete." Section 193.2307(b) and appendix A of part 193 are amended to reflect this change.

The American National Standards Institute has amended and redesignated specification ANSI B31.3, section 337, to section 345. Section 193.2319(b) is amended to reflect this change.

Section 193.2321(d) is amended by removing "0.7.6" and adding "Q.7.6" in its place.

The American Petroleum Institute has amended API Standard 620, sections Q8 and Q9, to sections Q8, Q9, and Q10. Section 193.2327(a) is amended to reflect this change.

The National Fire Protection Association has amended and redesignated specification NFPA 70, section 500-4, to section 500-5. Sections 193.2433(a)(2) and 193.2805(a)(2) are amended to reflect this change.

Section 193.2805(a)(2) is amended by removing "MFPA" and adding "ANSI/NFPA" in its place.

Part 193, appendix A, is amended by removing the address listed for the International Conference of Building Officials and inserting in its place 5360 South Workman Mill Road, Whittier, CA 90601.

Part 193, appendix A, is amended by adding the address for the American Society of Civil Engineers (ASCE). The address is 345 East 47th Street, New York, NY 10017-2398.

Marking of Fittings

Section 192.63(a)(1) requires pipeline fittings to be marked according to the specifications to which the fitting was manufactured. Thermoplastic fittings made according to the 1987 edition of ASTM D 2513 (the edition part 192 currently incorporates by reference) that are intended for use at elevated temperatures (greater than 73 °F (23 °C)) must be marked to identify certain temperature ratings. However, the 1990C edition of ASTM D 2513, which this final rule incorporates by reference as an update of the 1987 edition, does not require this elevated temperature marking. RSPA believes this temperature marking is still essential to ensure that thermoplastic fittings designed for use at lower temperatures are not incorrectly used at elevated temperatures. Therefore, § 192.63(a)(1) has been amended to reference the 1987 edition for the purpose of marking thermoplastic fittings.

Final Rule

Because this final rule merely updates existing references to voluntary standards to later published editions of these standards, it does not significantly affect compliance or enforcement burdens. Therefore, prior notice and opportunity for public comment are unnecessary; and, under 5 U.S.C. 503, the changes to Parts 192, 193, and 195 are final, effective as stated above under "Effective Date."

Impact Assessment

The final rule is not major under Executive Order 12291. That Order defines a major rule as one that has an annual effect on the economy of \$100 million, major increase in costs, or a significant adverse effect on the economy. In addition, the final rule is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

RSPA estimates this final rule will result in an estimated annual savings of \$3,750,000 for the natural gas pipeline industry, \$95,000 for the liquefied natural gas pipeline industry, and \$179,000 for the hazardous liquid pipeline industry with no adverse effect on safety. These amounts are based on an estimated annual savings per operator of \$50 per updated standard incorporated by reference. These savings would come largely from the use of new and improved technology.

Regulatory Flexibility Act

RSPA certifies 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.

E.O. 12612

RSPA has analyzed this action in accordance with principles and criteria of Executive Order 12612 (52 FR 41685; October 26, 1987), and has determined that it does not have sufficient Federalism implications to warrant preparing a Federalism Assessment.

List of Subjects

49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

49 CFR Part 193

Incorporation by reference, Liquefied natural gas (LNG), Pipeline safety.

49 CFR Part 195

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

In consideration of the foregoing, RSPA amends 49 CFR parts 192, 193, and 195 as follows:

PART 192—[AMENDED]

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

Authority: 49 App. U.S.C. 1872 and 1804; 49 CFR 1.53.

2. Section 192.7(b) is revised to read as follows:

§ 192.7 Incorporation by reference.

(b) All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, and at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, the incorporated materials are available from the respective organizations listed in Appendix A to this part.

§ 192.11 [Amended]

3. Section 192.11(a) is amended by removing the term "NFPA Standards" and adding "ANSI/NFPA" in its place.

§ 192.55 [Amended]

4. Section 192.55(e) is amended by removing the word "Standard" and adding "Specification" in its place.

5. Section 192.63 is amended by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 192.63 Marking of materials.

(a) Except as provided in paragraph (d) of this section, each valve, fitting, length of pipe, and other component must be marked—

(1) As prescribed in the specification or standard to which it was manufactured, except that thermoplastic fittings must be marked in accordance with the 1987 edition of ASTM D 2513; or

6. Section 192.65(a) is revised to read as follows:

§ 192.65 Transportation of pipe.

(a) The transportation is performed in accordance with API RP 5L1.

§ 192.113 [Amended]

7. Section 192.113 is amended by removing the term "ASTM A 333" and adding "ASTM A 333/A 333M" in its place.

§ 192.147 [Amended]

8. In § 192.147, paragraphs (a) and (c) are amended by removing the term "ANSI" and adding "ASME/ANSI" in its place.

9. In § 192.153, paragraphs (a) and (b) introductory text are revised to read as follows:

§ 192.153 Components fabricated by welding.

(a) Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with paragraph UG-101 of section VIII, Division 1, of the ASME Boiler and Pressure Vessel Code.

(b) Each prefabricated unit that uses plate and longitudinal seams must be designed, constructed, and tested in accordance with section VIII, Division 1, or section VIII, Division 2 of the ASME Boiler and Pressure Vessel Code, except for the following:

10. Section 192.163(e) is revised to read as follows:

§ 192.163 Compressor stations: design and construction.

(e) *Electrical facilities.* Electrical equipment and wiring installed in compressor stations must conform to the National Electrical Code, ANSI/NFPA 70, so far as that code is applicable.

§ 192.177 [Amended]

11. Section 192.177(b)(1) is amended by removing the term "A 372" and adding "A 372/A 372M" in its place.

§ 192.279 [Amended]

12. Section 192.279 is amended by removing the word "ANSI" and adding "ASME/ANSI" in its place.

§ 192.281 [Amended]

13. In § 192.281, paragraphs (b)(2) and (d)(1) are amended by removing the word "Specification" and adding "Designation:" in its place.

14. In § 192.283, paragraphs (a)(1)(i), (a)(1)(ii), and (b)(1) are revised to read as follows:

§ 192.283 Plastic Pipe; qualifying joining procedures.

(a) * * *

(1) * * *

(i) In the case of thermoplastic pipe, paragraph 6.6 (Sustained Pressure Test) or paragraph 6.7 (Minimum Hydrostatic Burst Pressure (Quick Burst)) of ASTM D 2513; or

(ii) In the case of thermosetting plastic pipe, paragraph 8.5 (Short-Term

Rupture Strength (Minimum Hoop Stress)) or paragraph 8.9 (Sustained Static Pressure Tests) of ASTM D 2517.

(b) * * *

(1) Use an apparatus for the test as specified in ASTM D 638 (except for conditioning).

15. Appendix A to part 192 is revised to read as follows:

Appendix A—Incorporated by Reference

I. List of Organizations and Addresses

A. American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.

B. American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

C. The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.

D. American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103-1187.

E. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NW., Vienna, VA 22180.

F. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. 9101, Quincy, MA 02269-9101.

II. Documents Incorporated by Reference (Numbers in Parentheses Indicate Applicable Editions)

A. American Petroleum Institute (API):

1. API Specification 5L "Specification for Line Pipe" (40th edition, 1992).

2. API Recommended Practice 5L1 "Recommended Practice for Railroad Transportation of Line Pipe" (4th edition, 1990).

3. API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (20th edition, 1991).

4. API Standard 1104 "Welding of Pipelines and Related Facilities" (17th Edition, 1988).

B. The American Society of Testing and Materials (ASTM):

1. ASTM Designation: A 53 "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A 53-90b).

2. ASTM Designation: A 106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A 106-91).

3. ASTM Designation: A 333/A 333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A 333/A 333M-91a).

4. ASTM Designation: A 372/A 372M "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (A 372/A 372M-91a).

5. ASTM Designation: A 381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (A 381-89).

6. ASTM Designation: A 671 "Standard Specification for Electric-Fusion-Welded

Steel Pipe for Atmospheric and Lower Temperatures" (A 671-89a).

7. ASTM Designation: A 672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A 672-89b).

8. ASTM Designation: A 691 "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A 691-89a).

9. ASTM Designation: D 638 "Standard Test Method for Tensile Properties of Plastics" (D 638-91).

10. ASTM Designation: D 2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (D 2513-87 edition for § 192.63(a)(1), otherwise D 2513-90c edition).

11. ASTM Designation: D 2517 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (D 2517-81, reapproved 1987).

C. The American Society of Mechanical Engineers (ASME):

1. ASME/ANSI B16.1 "Cast Iron Pipe Flanges and Flanged Fittings" (1989).

2. ASME/ANSI B16.5 "Pipe Flanges and Flanged Fittings" (1988 with October 1988 Errata and ASME/ANSI B16.5a-1992 Addenda).

3. ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Pressure Vessels" (1992 with Interpretations, Volume 30, dated July 1992).

4. ASME Boiler and Pressure Vessel Code, Section VIII, Division 2 "Pressure Vessels: Alternative Rules" (1992 with Interpretations, Volume 30, dated July 1992).

5. ASME Boiler and Pressure Vessel Code, Section IX "Welding and Brazing Qualifications" (1992 with Interpretations, Volume 30, dated July 1992).

D. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS):

1. MSS SP-44 "Steel Pipe Line Flanges" (1991).

2. [Reserved]

E. National Fire Protection Association (NFPA):

1. ANSI/NFPA 58 "Standard for the Storage and Handling of Liquefied Petroleum Gases" (1992).

2. ANSI/NFPA 59 "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" (1992).

3. ANSI/NFPA 70 "National Electrical Code" (1993).

16. Section I of appendix B to part 192 is revised to read as follows:

Appendix B—Qualification of Pipe

I. Listed Pipe Specifications (Numbers in Parentheses Indicate Applicable Editions)

API 5L—Steel pipe (1992).

ASTM A 53—Steel pipe (1990b).

ASTM A 106—Steel pipe (1991).

ASTM A 333/A 333M—Steel pipe (1991a).

ASTM A 381—Steel pipe (1989).

ASTM A 671—Steel pipe (1989a).

ASTM A 672—Steel pipe (1989b).

ASTM A 691—Steel pipe (1989a).

ASTM D 2513—Thermoplastic pipe and tubing (1990c).

ASTM D 2517—Thermosetting plastic pipe and tubing (1981, reapproved 1987).

* * * * *

PART 193—[AMENDED]

17. The authority citation for part 193 continues to read as follows:

Authority: 49 App. U.S.C. 1671 *et seq.*; and 49 CFR 1.53.

§§ 193.2005, 193.2073, 193.2147, 193.2149, 193.2213, 193.2427, 193.2811, 193.2813, 193.2817, 193.2819, 193.2821 [Amended]

18. Part 193 is amended by removing the term "NFPA" wherever it appears in the following sections and adding in its place "ANSI/NFPA":

Sections 193.2005(c), 193.2073(b), 193.2147, 193.2149(c), 193.2213, 193.2427(d), 193.2811, 193.2813, 193.2817(b) introductory text, 193.2819(a), 193.2819(d), 193.2819(f), and 193.2821(b).

§§ 193.2113, 193.2123, 193.2127, 193.2229, 193.2315, 193.2321 [Amended]

19. Part 193 is amended by removing the word "ANSI" wherever it appears in the following sections and inserting in its place "ASME/ANSI":

Sections 193.2113(b); 193.2123(a); 193.2127(a), 193.2127(d), 193.2127(e); 193.2229(b)(3), 193.2315(d), and 193.2321(b).

20. Section 193.2013(b) is revised to read as follows:

§ 193.2113 Incorporation by reference.

* * * * *

(b) All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, and at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, the incorporated materials are available from the respective organizations listed in appendix A to this part.

* * * * *

§ 193.2067 [Amended]

21. Section 193.2067(b)(1) is amended by removing the term "ANSI A 58.1, 1972 edition" and adding "ASCE 7-88" in its place.

§ 193.2109 [Amended]

22. Section 193.2109(c) is amended by removing the term "ANSI A 58.1" and adding "ASCE 7-88" in its place.

23. Section 193.2141 is revised to read as follows:

§ 193.2141 Electrical Systems.

(a) Each operator shall select and install electrical equipment and wiring for components in accordance with ANSI/NFPA 70 and, where applicable, section 7-6.2 of ANSI/NFPA 59A.

(b) Electrical grounding and bonding must be in accordance with section 7-7.1.1 of ANSI/NFPA 59A.

(c) Protective measures for stray or impressed currents must be provided in accordance with section 7-7.3 of ANSI/NFPA 59A.

24. Section 193.2307(b) is revised to read as follows:

§ 193.2307 Inspection.

* * * * *

(b) In addition to the requirements of paragraph (a) of this section, the construction of concrete storage tanks must be inspected in accordance with ACI 311.4R-88 or ACI 311.5R-88.

* * * * *

25. Section 193.2319(b) is revised to read as follows:

§ 193.2319 Strength tests.

* * * * *

(b) For piping, the test required by paragraph (a) of this section must include a pressure test conducted in accordance with section 345 of ASME/ANSI B31.3, except that test pressures must be based on the design pressure. Carbon and low alloy steel piping must be pressure tested above their nil ductility transition temperature.

* * * * *

§ 193.2321 [Amended]

26. Section 193.2321(d) is amended by removing "0.7.6" and adding "Q.7.6" in its place.

27. Section 193.2327(a) is revised to read as follows:

§ 193.2327 Storage tank tests.

(a) In addition to other applicable requirements of this subpart, storage tanks for cryogenic fluids with internal design pressures of not more than 15 psig must be tested in accordance with sections Q8, Q9, and Q10 of API 620, appendix Q, as applicable.

* * * * *

28. Section 193.2433(a)(2) is revised to read as follows:

§ 193.2433 Sensing devices.

(a) * * *

(2) Detect the presence of fire or combustible gas in areas determined in accordance with section 500-5 of ANSI/NFPA 70 to have a potential for presence of flammable fluids.

* * * * *

29. Section 193.2805(a)(2) is revised to read as follows:

§ 193.2805 Fire prevention plan.

(a) * * *

(2) Those areas, as described in section 500-5 of ANSI/NFPA 70, where the potential exists for the presence of flammable fluids in an LNG plant. Determinations made under this paragraph must be kept current.

* * * * *

30. Appendix A to part 193 is revised to read as follows:

Appendix A—Incorporated by Reference**I. List of Organizations and Addresses**

- A. American Concrete Institute (ACI), Box 19150, Redford Station, Detroit, MI 48219-0150.
- B. American Gas Association (AGA), 1515 Wilson Boulevard, Arlington, VA 22209.
- C. American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.
- D. American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.
- E. American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.
- F. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.
- G. International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601.
- H. American Society of Civil Engineers (ASCE), 345 East 47th Street, New York, NY 10017-2398.

II. Documents Incorporated by Reference. (Numbers in Parentheses Indicate Applicable Editions)

- A. American Concrete Institute (ACI):
 - 1. ACI Standard 311.4R-88 "Guide for Concrete Inspection" (1988).
 - 2. ACI Standard 311.5R-88 "Batch Plant Inspection and Field Testing of Ready-Mixed Concrete" (1988).
- B. American Gas Association (AGA):
 - 1. "Evaluation of LNG Vapor Control Methods" (October 1974).
 - 2. "Purging Principles and Practices" (1975).
- C. American Society of Civil Engineers (ASCE):
 - 1. ASCE 7-88 "Minimum Design Loads for Buildings and Other Structures" (1990).
- D. American Petroleum Institute (API):
 - 1. API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (20th edition, 1991).
 - 2. API Standard 620 "Design and Construction of Large, Welded, Low-Pressure Storage Tanks" (8th edition, 1990).
 - 3. API Standard 1104 "Welding of Pipelines and Related Facilities" (17th edition, 1988, except the appendix).
- E. American Society of Mechanical Engineers (ASME):
 - 1. ASME/ANSI B31.3 "Chemical Plant and Petroleum Refinery Piping" (1990 with ASME/ANSI B31.3a-1990, B31.3b-1991, and B31.3c-1992 Addenda and Special Errata issued December 31, 1990).

- 2. ASME/ANSI B31.5 "Refrigeration Piping" (1987 with ASME/ANSI B31.5b-1991 and B31.5c-1992 Addenda).
- 3. ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (1989 with ASME/ANSI B31.8a-1990, B31.8b-1990, B31.8c-1992 Addenda and Special Errata issued July 6, 1990 and Special Errata (Second) issued February 28, 1991).
- 4. ASME Boiler and Pressure Vessel Code, Section I "Power Boilers" (1992 with Interpretations, Volume 30, dated July 1992).
- 5. ASME Boiler and Pressure Vessel Code, Section IV "Heating Boilers" (1992 with Interpretations, Volume 30, dated July 1992).
- 6. ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Pressure Vessels" (1992 with Interpretations, Volume 30, dated July 1992).
- 7. ASME Boiler and Pressure Vessel Code, Section VIII, Division 2 "Pressure Vessels: Alternative Rules" (1992 with Interpretations, Volume 30, dated July 1992).
- 8. ASME Boiler and Pressure Vessel Code, Section IX "Welding and Brazing Qualifications" (1992 with Interpretations, Volume 30, dated July 1992).
- F. International Conference of Building Officials:
 - 1. "Uniform Building Code" (UBC) (1991).
- G. National Fire Protection Association (NFPA):
 - 1. ANSI/NFPA 30 "Flammable and Combustible Liquids Code" (1990).
 - 2. ANSI/NFPA 37 "Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines" (1990).
 - 3. ANSI/NFPA 51B "Standard for Fire Prevention in Use of Cutting and Welding Processes" (1989).
 - 4. ANSI/NFPA 59A "Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)" (1972 edition for § 193.2005(c), otherwise 1990 edition).
 - 5. ANSI/NFPA 70 "National Electrical Code" (1993).

PART 195—[AMENDED]

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

Authority: 49 App. U.S.C. 2002; and 49 CFR 1.53.

32. In § 195.3, paragraphs (b) and (c) are revised to read as follows:

§ 195.3 Matter incorporated by reference.

- * * * * *
- (b) All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, and at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, materials incorporated by reference are available as follows:

(1) American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

(2) The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.

(3) Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE., Vienna, VA 22180.

(4) American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.

(5) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103-1187.

(c) The full title for the publications incorporated by reference in this part are as follows. Numbers in parenthesis indicate applicable editions:

- (1) American Petroleum Institute (API):
 - (i) API Specification 5L "Specification for Line Pipe" (40th edition, 1992).
 - (ii) API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (20th edition, 1991).
 - (iii) API Standard 1104 "Welding of Pipelines and Related Facilities" (17th edition, 1988).
- (2) American Society of Mechanical Engineers (ASME):
 - (i) ASME/ANSI B16.9 "Factory-Made Wrought Steel Butt Welding Fittings" (1986).
 - (ii) ASME/ANSI B31.4 "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols" (1989 with ASME B31.4a-1991 Addenda).
 - (iii) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Pressure Vessels" (1992 with Interpretations, Volume 30, dated July 1992).
 - (iv) ASME Boiler and Pressure Vessel Code, Section IX "Welding and Brazing Qualifications" (1992 with Interpretations, Volume 30, dated July 1992).
- (3) Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS):
 - (i) MSS SP-75 "Specification for High Test Wrought Butt Welding Fittings" (1988).
- (4) American Society for Testing and Materials (ASTM):
 - (i) ASTM Designation: A 53 "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A 53-90b).
 - (ii) ASTM Designation: A 106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A 106-91).
 - (iii) ASTM Designation: A 333/A 333M "Standard Specification for

Seamless and Welded Steel Pipe for Low-Temperature Service" (A 333/A 333M-91a).

(iv) ASTM Designation: A 381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use with High-Pressure Transmission Systems" (A 381-89).

(v) ASTM Designation: A 671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A 671-89a).

(vi) ASTM Designation: A 672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A 672-89b).

(vii) ASTM Designation: A 691 "Standard Specification for Carbon and Alloy Steel Pipe Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A 691-89a).

§ 195.106 [Amended]

33. Section 195.106(e) is amended by removing the term "ASTM A 333" and adding "ASTM A 333/A 333M" in its place.

§§ 195.110 and 195.118 [Amended]

34. Sections 195.110(a) and 195.118(a) are amended by removing the word "ANSI" and adding "ASME/ANSI" in its place.

Issued in Washington, DC on February 23, 1993.

Rose A. McMurray,

Acting Administrator for the Research and Special Programs Administration.

[FR Doc. 93-6257 Filed 3-17-93; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 921220-3040]

RIN 0648-AD18

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Approval of a fishery management plan amendment; final rule; final 1993 specifications of Pacific halibut bycatch mortality allowances; closures.

SUMMARY: NMFS announces the approval of Amendment 21 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea

and Aleutian Islands Area (FMP). NMFS is also implementing a regulatory amendment that establishes Pacific halibut bycatch mortality limits for trawl and non-trawl gear fisheries in the Bering Sea and Aleutian Islands Area (BSAI). This action is taken under authority of Amendment 21.

Apportionments of the halibut bycatch mortality limits as bycatch allowances among fisheries and seasons for 1993 also are specified. NMFS is announcing closures of specified fisheries for vessels using trawl gear. These actions are intended to promote management and conservation of groundfish and other fish resources and to further the goals and objectives contained in the FMP.

EFFECTIVE DATE: March 17, 1993.

ADDRESSES: The final rule was analyzed as part of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) prepared for Amendment 21 to the FMP. Individual copies of Amendment 21 and the EA/RIR/FRFA may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510 (telephone 907-271-2809).

FOR FURTHER INFORMATION CONTACT:

Susan J. Salvesson, Fisheries Management Division, Alaska Region, NMFS, at 907-586-7228.

SUPPLEMENTARY INFORMATION: Domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the BSAI are managed by the Secretary of Commerce in accordance with the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations appearing at 50 CFR 611.93 for the foreign fishery and 50 CFR part 675 for the U.S. fishery. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

Amendment 21 was approved by the Secretary on February 9, 1993, under section 304(b) of the Magnuson Act. This amendment establishes FMP authority to (1) establish Pacific halibut bycatch mortality limits for trawl and non-trawl gear fisheries in regulations rather than in the FMP and change bycatch mortality limits through a regulatory amendment process; and (2) apportion annually the non-trawl halibut bycatch mortality limit among fisheries and seasons as bycatch allowances. A notice of availability of Amendment 21 was published in the *Federal Register* on November 16, 1992 (57 FR 54045), and invited comments on the amendment through January 11,

1993. No written comments were received.

A proposed rule was published in the *Federal Register* on December 22, 1992 (57 FR 60788), that would establish halibut bycatch mortality limits for trawl and non-trawl gear in 1993 and beyond under authority provided by Amendment 21 to the FMP. Public comment on the proposed rule was invited through January 19, 1993. No written comments were received during the comment period.

The final rule establishes Pacific halibut mortality limits for trawl and non-trawl gear at 3,775 metric tons (mt) and 900 mt, respectively. These limits are set forth in regulations at § 675.21(a) and will remain effective until revised under a future regulatory amendment. A full description of Amendment 21 to the FMP and the justification for the halibut mortality limits implemented under this action are presented in the December 22, 1992, *Federal Register* publication of the proposed rule (57 FR 60788).

The halibut bycatch mortality allowances implemented for the 1993 BSAI trawl and non-trawl fisheries, and seasonal allowances thereof, are listed in Table 1. Regulations under § 675.21(b)(1) authorize the apportionment of the trawl halibut mortality bycatch limit to seven trawl fishery categories (midwater pollock, Greenland turbot/arrowtooth flounder/sablefish, rock sole/other flatfish, yellowfin sole, rockfish, Pacific cod, and pollock/Atka mackerel/"other species"). The final rule (§ 675.21(b)(2)) also authorizes the apportionment of the non-trawl halibut mortality limit among three non-trawl fishery categories (Pacific cod hook-and-line, groundfish pot gear fisheries, and other non-trawl). For purposes of this rule, non-trawl gear means hook-and-line, jig, longline, and pot-and-line gear.

TABLE 1.—FINAL SEASONAL APPORTIONMENTS OF THE 1993 PACIFIC HALIBUT BYCATCH MORTALITY ALLOWANCES FOR THE BERING SEA AND ALEUTIAN ISLANDS AREA (BSAI) TRAWL AND NON-TRAWL FISHERIES.

Fishery	Seasonal bycatch mortality allowances (mt halibut)
BSAI Trawl	
Yellowfin sole	
May 01-Jul. 31	230
Aug. 01-Dec. 31	362
Total	592
Rock sole/other flatfish	
Jan. 01-Apr. 03	428
Apr. 04-Jul. 03	80
Jul. 04-Dec. 31	80

TABLE 1.—FINAL SEASONAL APPORTIONMENTS OF THE 1993 PACIFIC HALIBUT BYCATCH MORTALITY ALLOWANCES FOR THE BERING SEA AND ALEUTIAN ISLANDS AREA (BSAI) TRAWL AND NON-TRAWL FISHERIES.—Continued

Fishery	Seasonal bycatch mortality allowances (mt halibut)
Total	588
Turbot/arrowtooth flounder/sablefish	
Jan. 01–Jul. 03	0
Jul. 04–Dec. 31	137
Total	137
Rockfish	
Jan. 01–Apr. 03	0
Apr. 04–Jul. 03	81
Jul. 04–Dec. 31	120
Total	201
Pacific cod	
Jan. 01–Dec. 31	1,000
Pollock/Atka mackerel/ "other species"	
Jan. 01–Apr. 15	314
Apr. 16–May 31	0
Jun. 01–Dec. 31	943
Total	1,257
Total BSAI Trawl	3,775
BSAI Non-trawl (Jan. 01–Dec. 31) ¹	
Pacific cod hook & line	825
Other non-trawl	75
Total BSAI Non-Trawl	900

¹Groundfish pot gear fisheries are exempted from halibut bycatch restrictions during the 1993 fishing year.

Assumed Mortality Rates

For purposes of monitoring the fishery halibut bycatch mortality allowances specified in Table 1, the Director, Alaska Region, NMFS (Regional Director), will use observed halibut bycatch rates and reported and observed groundfish catch to project when a fishery's halibut bycatch mortality allowance is reached. The Regional Director will monitor the fishery bycatch mortality allowances using assumed mortality rates that are based on the best information available, including that contained in the final annual Stock Assessment and Fishery Evaluation (SAFE) reports.

The best information available on assumed halibut mortality rates is based on 1990 and 1991 observer data. A summary of the analysis of 1991 data is contained in the final 1993 SAFE report dated November 1992. Copies of the final SAFE report are available from the Council (see ADDRESSES). At its December 1992 meeting, the Council reviewed available information on observed mortality rates, including the recommendations of its Scientific and Statistical Committee (SSC). In general, the BSAI trawl and pot gear fisheries

experienced a decline in observed mortality rates from 1990 through 1991. However, this trend could not be determined for the Pacific cod hook-and-line or other non-trawl gear fisheries. Assuming the declining trend of observed mortality rates in the BSAI trawl and pot gear fisheries will continue, the Council recommended that the assumed mortality rates for trawl and pot gear fisheries be based on observed mortality rates from the most recent year from which data are available (i.e., 1991). The Council concurred with the SSC's recommendation that an average of 1990 and 1991 data be used to determine assumed mortality rates for the Pacific cod hook-and-line gear and other non-trawl gear fisheries because a trend in mortality rates could not be identified. The Council's specific recommendations for assumed mortality rates are listed in Table 2.

The Regional Director has determined that the Council's recommendations for assumed mortality rates for the 1993 fisheries are based on the best information available. NMFS will use the mortality assumptions listed in Table 2 to monitor fishery bycatch mortality allowances until such time that new information becomes available that warrants a change in these assumptions.

TABLE 2.—ASSUMED MORTALITY RATES FOR THE BERING SEA AND ALEUTIAN ISLANDS GROUND FISH FISHERIES BASED ON 1990 AND 1991 OBSERVER DATA¹.

Fishery	Assumed mortality rate
BSAI trawl fisheries:	
Midwater pollock	0.80
Atka mackerel, rock sole, yellowfin sole, other flatfish	0.70
Pacific cod, bottom pollock, rockfish	0.60
Arrowtooth flounder, Greenland turbot, sablefish, and "other species"	0.40
BSAI Non-trawl fisheries:	
Pot gear fisheries	0.05
Pacific cod hook-and-line	0.18
Other non-trawl	0.18

¹ Mortality rate assumptions are subject to change pending new information that warrant a change in these assumptions.

Apportionments of Pacific Halibut Mortality Limits Among Fisheries and Seasons

At its December 1992 meeting, the Council recommended apportionments of the halibut bycatch mortality limits to specified fisheries based on the anticipated bycatch mortality of halibut during the 1993 fishing year and the assumption that halibut bycatch

mortality limits established in this final rule would be approved and implemented. The Council's recommended apportionments are listed in Table 1. In general, the fishery bycatch mortality allowances listed in Table 1 reflect the recommendations made to the Council by its Advisory Panel (AP). These recommendations were based on 1992 bycatch amounts, anticipated 1993 harvest of groundfish by trawl and non-trawl gear, best available information on assumed mortality rates, and anticipated changes in fishery bycatch needs pending approval of the halibut bycatch mortality limits implemented under this final rule. The Council recommended that groundfish pot gear fisheries be exempt from halibut bycatch restrictions for the 1993 fishing year. Groundfish catches by pot gear in the BSAI have been small to date, and totaled only 13,800 mt during 1992. The halibut bycatch mortality associated with this groundfish catch was only 5 mt, based on an assumed halibut mortality rate of 5 percent.

NMFS concurs with the Council's recommendations. With respect to the trawl fishery bycatch allowances and seasonal apportionments thereof, NMFS' concurrence is consistent with its approval of the trawl fishery bycatch allowances and seasonal apportionments thereof implemented under the final 1993 initial specifications of groundfish and prohibited species catch allowances (58 FR 8703, February 17, 1993). The halibut bycatch allowances specified for trawl gear fisheries in the final 1993 specifications notice were based on the halibut bycatch mortality allowances listed in Table 1. The justification and determinations by the Council and NMFS supporting the 1993 trawl fishery bycatch mortality allowances and seasonal apportionments are the same as those discussed in the preamble for the final 1993 initial specifications (58 FR 8703).

The proposed rule (57 FR 60788, December 22, 1992), specified a seasonal apportionment of the bycatch mortality allowance for the Pacific cod hook-and-line fishery of 825 mt. At its December 1992 meeting, the Council reconsidered the proposed seasonal apportionment of the halibut bycatch mortality allowance specified for the Pacific cod hook-and-line gear fishery and recommended that the full amount of the 825 mt halibut bycatch mortality allowance specified for this fishery in 1993 be made available at the beginning of the fishing year. The Council's recommendation was based on a recommendation by its AP and public

input during the December 1992 Council meeting. The Council anticipates that the current harvest capacity of the trawl and non-trawl gear fisheries will allow for the full harvest of the 1993 Pacific cod directed fishing allowance during the first part of the year, when catch per unit of effort is high and historical halibut bycatch rates are low. The Council determined that the Pacific cod hook-and-line gear fishery would produce the largest economic return by having the opportunity to fish the resource early in the year. Consequently, the Council recommended that all the halibut bycatch mortality allowance apportioned to the Pacific cod hook-and-line gear fishery be made available at the beginning of the 1993 fishing year.

NMFS concurs with the Council's recommendations for the seasonal apportionment of the halibut bycatch mortality allowances specified for the non-trawl gear fisheries. In taking this action, NMFS also concurs with the Council's belief that directed fishing for Pacific cod likely will be closed to all gear prior to June 1993 because the directed fishing allowance will have been reached. To support the seasonal apportionments of halibut bycatch mortality limits listed in Table 1, the Regional Director is authorized to close specified fisheries for periods of time when no halibut bycatch mortality allowances are apportioned to support directed fishing.

Specific Changes From the Proposed Rule in the Final Rule

Paragraphs 675.21(c)(1) (i), (ii), (iii), (iv), and (c)(2) and 675.21(d) are revised to clarify that when the halibut or crab bycatch allowance for a species category has been, or so is about to be, reached, directed fishing is prohibited with a specific gear type for the entire set of species within a fishery category. If there is more than one species or species group within the affected fishery category, the species/species groups are treated as a single, unified "species group" for purposes of applying the directed fishing standards. Therefore, a "species group" for purposes of the directed fishing standards may be different than "species group" for purposes of specifying TAC. The retained amounts of all fish covered by the fishery category are not counted separately by species, but are aggregated to determine whether the vessel is being used to "directed fish" for fish within the fishery category.

Closures

Under authority provided at § 675.21(c), NMFS is prohibiting vessels using trawl gear from engaging in directed fishing for (1) Greenland turbot in the BSAI from May 1, 1993, through July 3, 1993; (2) sablefish in the Bering Sea and Aleutian Islands management area through July 3, 1993; and (3) rockfish in the BSAI through April 3, 1993. These closures are effective March 17, 1993 and supersede similar closures that were implemented under the halibut bycatch allowances specified in the notice of final 1993 groundfish specifications and bycatch allowances (58 FR 8703, February 17, 1993).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that the final rule is necessary for the conservation and management of the groundfish fishery off Alaska and is consistent with the Magnuson Act and other applicable laws.

The Council prepared an environmental assessment (EA) for Amendment 21 and this final rule that discusses the impacts on the environment as a result of implementation of this rule. The Assistant Administrator concluded that no significant impact on the human environment will result from its implementation. A copy of the EA is available from the Council (see ADDRESSES).

The Assistant Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the RIR prepared by the Council. A copy of the EA/RIR/FRFA may be obtained from the Council (see ADDRESSES).

The Council prepared a final regulatory flexibility analysis (FRFA), which concludes that this rule will have a significant economic impact on a substantial number of small entities. A copy of this analysis is available from the Council (see ADDRESSES).

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

NMFS determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. This determination was submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act. Consistency is inferred because the

appropriate State agency did not reply within the statutory time period.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

The Regional Director determined that fishing activities conducted under this rule will not affect endangered or threatened species in a way that was not already considered in previous section 7 consultations and biological opinions. Therefore, no further section 7 consultation is required for the implementation of these measures.

The Regional Director also determined that fishing activities conducted under this rule will have no adverse impact on marine mammals.

This rule implements halibut mortality limits and associated fishery bycatch mortality allowances that will allow greater amounts of groundfish to be harvested in the BSAI trawl fisheries relative to the amounts that may be harvested under the bycatch allowances specified in the notice of final 1993 groundfish specifications and bycatch allowances (58 FR 8703, February 17, 1993). Since these provisions relieve restrictions, under Section 553(d)(1) of the Administrative Procedure Act (APA), they are being made effective upon the date of filing for public inspection with the Office of the Federal Register. This rule also imposes a new restriction—a halibut bycatch mortality limit for non-trawl gear. The Assistant Administrator pursuant to section 553(d)(3) of the APA, finds good cause for making this provision effective upon the date of filing for public inspection with the Office of the Federal Register also. To delay the effective date of this provision until 30 days after publication could prevent NMFS from closing fisheries that have attained their specified bycatch mortality allowance. As a result, the same fishery conservation and management problem that the halibut bycatch mortality limits were intended to resolve, would occur. Therefore, delaying the effectiveness of this provision for 30 days would be contrary to the public interest.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

William W. Fox, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 675 is amended as follows:

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. The authority citation for part 675 continues to read as follows:

Authority: 16 U.S.C. 1301 *et seq.*

2. In § 675.2, a new definition of "non-trawl gear" is added in alphabetical order to read as follows:

§ 675.2 Definitions.

Non-trawl gear means hook-and-line, jig, longline, and pot-and-line gear.

3. In § 675.21, paragraph (b)(4) is removed, existing paragraphs (b)(2) and (b)(3) are redesignated as paragraphs (b)(3) and (b)(4), respectively, new paragraph (b)(2) is added, and paragraph (b) heading, redesignated paragraphs (b)(3) (ii) and (iii), and existing paragraphs (a), (b)(1), (c)(1) and (2), and (d) are revised to read as follows:

§ 675.21 Prohibited species catch (PSC) limitations.

(a) *PSC limits.* (1) The PSC limit of red king crab caught while conducting any trawl fishery for groundfish in Zone 1 during any fishing year is 200,000 red king crabs.

(2) The PSC limit of Tanner crabs (*C. bairdi*) caught while conducting any trawl fishery for groundfish in Zone 1 during any fishing year is one million animals.

(3) The PSC limit of Tanner crabs (*C. bairdi*) caught while conducting any trawl fishery for groundfish in Zone 2 during any fishing year is three million animals.

(4) The primary PSC limit of Pacific halibut caught while conducting any trawl fishery for groundfish in the Bering Sea and Aleutian Islands Management Area during any fishing year is an amount of Pacific halibut equivalent to 3,300 mt of halibut mortality.

(5) The secondary PSC limit of Pacific halibut caught while conducting any trawl fishery for groundfish in the Bering Sea and Aleutian Islands Management Area during any fishing year is an amount of Pacific halibut equivalent to 3,775 mt of halibut mortality.

(6) The PSC limit of Pacific herring caught while conducting any domestic trawl fishery for groundfish in the Bering Sea and Aleutian Islands Management Area is 1 percent of the annual eastern Bering Sea herring biomass. The PSC limit will be apportioned into annual herring PSC allowances, by target fishery, and will be published along with the annual

herring PSC limit in the Federal Register with the proposed and final specifications defined in § 675.20(a)(7) of this part.

(7) The PSC limit of Pacific halibut caught while conducting any non-trawl fishery for groundfish in the Bering Sea and Aleutian Islands Management Area during any fishing year is an amount of Pacific halibut equivalent to 900 mt of halibut mortality.

(b) *Apportionment of PSC limits to fisheries.*—(1) *Apportionment to trawl fishery categories.* NMFS, after consultation with the Council, will apportion each PSC limit set forth in paragraphs (a)(1) through (a)(6) of this section into bycatch allowances for fishery categories specified in paragraph (b)(1)(iii) of this section, based on each category's proportional share of the anticipated incidental catch during a fishing year of prohibited species for which a PSC limit is specified and the need to optimize the amount of total groundfish harvested under established PSC limits. The sum of all bycatch allowances of any prohibited species will equal its PSC limit.

(i) For purposes of this section, the trawl PSC limits for red king crab, *C. bairdi* Tanner crab, and Pacific halibut will be apportioned to the fishery categories listed at paragraphs (b)(1)(iii) (B) through (F) of this section. Any amount of red king crab, *C. bairdi* Tanner crab, or Pacific halibut that is incidentally taken in the midwater pollock fishery, as defined at paragraph (b)(1)(iii) (A) of this section, will be counted against the bycatch allowances specified for the pollock/Atka mackerel/"other species" category defined at paragraph (b)(1)(iii)(F) of this section.

(ii) For purposes of this section, the PSC limit for Pacific herring will be apportioned to the fishery categories listed at paragraphs (b)(1)(iii) (A) through (F) of this section.

(iii) For purposes of apportioning trawl PSC limits among fisheries, the following fishery categories are specified and defined in terms of round-weight equivalents of those groundfish species or species groups for which a TAC has been specified under § 675.20.

(A) *Midwater pollock fishery.* Fishing with trawl gear during any weekly reporting period that results in a catch of pollock that is 95 percent or more of the total amount of groundfish caught during the week.

(B) *Flatfish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of rock sole, "other flatfish," and yellowfin sole that is greater than the retained amount of any other fishery

category defined under paragraph (b)(1)(iii) of this section.

(1) *Yellowfin sole fishery.* Fishing with trawl gear during any weekly reporting period that is defined as a flatfish fishery under paragraph (b)(1)(iii)(B) of this section and results in a retained amount of yellowfin sole that is 70 percent or more of the retained aggregate amount of rock sole, "other flatfish," and yellowfin sole.

(2) *Rock sole/"other flatfish" fishery.* Fishing with trawl gear during any weekly reporting period that is defined as a flatfish fishery under paragraph (b)(1)(iii)(B) of this section and is not a yellowfin sole fishery as defined under paragraph (b)(1)(iii)(B)(1) of this section.

(C) *Greenland turbot/arrowtooth flounder/sablefish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of Greenland turbot, arrowtooth flounder, and sablefish that is greater than the retained amount of any other fishery category defined under paragraph (b)(1)(iii) of this section.

(D) *Rockfish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of rockfish species of the genera *Sebastes* and *Sebastolobus* that is greater than the retained amount of any other fishery category defined under paragraph (b)(1)(iii) of this section.

(E) *Pacific cod fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of Pacific cod that is greater than the retained amount of any other groundfish fishery category defined under paragraph (b)(1)(iii) of this section.

(F) *Pollock/Atka mackerel/"other species."* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of pollock other than pollock harvested in the midwater pollock fishery defined at paragraph (b)(1)(iii)(A) of this section, Atka mackerel, and "other species" that is greater than the retained amount of any other fishery category defined under paragraph (b)(1)(iii) of this section.

(2) *Apportionment to non-trawl fishery categories.* (i) The Secretary, after consultation with the Council, may apportion the halibut PSC limit for non-trawl gear set forth in paragraph (a)(7) of this section into bycatch allowances for fishery categories specified in paragraph (b)(2)(ii) of this section, based on each category's proportional share of the anticipated bycatch mortality of halibut during a fishing year and the need to optimize the amount of total groundfish harvested under the non-

trawl halibut PSC limit. The sum of all halibut bycatch allowances will equal the halibut PSC limit specified at paragraph (a)(7) of this section.

(ii) For purposes of apportioning the non-trawl halibut PSC limit among fisheries, the following fishery categories are specified and defined in terms of round-weight equivalents of those groundfish species for which a TAC has been specified under § 675.20.

(A) *Pacific cod hook-and-line fishery.* Fishing with hook-and-line gear during any weekly reporting period that results in a retained catch of Pacific cod that is greater than the retained amount of any other groundfish species.

(B) *Groundfish pot gear fishery.* Fishing with pot gear under restrictions set forth in § 675.24(b) during any weekly reporting period that results in a retained catch of groundfish.

(C) *Other non-trawl fisheries.* Fishing for groundfish with non-trawl gear during any weekly reporting period that results in a retained catch of groundfish and does not qualify as a Pacific cod hook-and-line fishery or a groundfish pot gear fishery.

(3) * * *

(ii) Unused seasonal apportionments of fishery bycatch allowances made under paragraph (b)(3)(i) of this section will be added to its respective fishery bycatch allowance for the next season during a current fishing year.

(iii) If a seasonal apportionment of a fishery bycatch allowances made under paragraph (b)(3)(i) of this section is exceeded, the amount by which the seasonal apportionment is exceeded will be deducted from its respective apportionment for the next season during a current fishing year.

* * *

(c) * * *

(1) *Attainment of a trawl bycatch allowance for red king crab, *C. bairdi* Tanner crab, or Pacific halibut.* (i) *Zone 1 red king crab or *C. bairdi* Tanner crab bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii)(B) through (F) of this section will catch the Zone 1 bycatch allowance, or seasonal apportionment thereof, of red king crab or *C. bairdi* Tanner crab specified for that fishery category under paragraph (b) of this section, NMFS will publish in the *Federal Register* the closure of Zone 1 to directed fishing for the species and/or species group that comprises that fishery category (which together constitute a species or species group for purposes of the directed fishing standards) for the remainder of the year

or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

(ii) *Zone 2 red king crab or *C. bairdi* Tanner crab bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii)(B) through (F) of this section will catch the Zone 2 bycatch allowance, or seasonal apportionment thereof, of red king crab or *C. bairdi* Tanner crab specified for that fishery category under paragraph (b) of this section, NMFS will publish in the *Federal Register* the closure of Zone 2 to directed fishing for the species and/or species group that comprises that fishery category (which together constitute a species or species group for purposes of the directed fishing standards) for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

(iii) *Primary halibut bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii)(B) through (F) of this section in the Bering Sea and Aleutian Islands Management Area will catch the primary halibut bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the *Federal Register* the closure of Zones 1 and 2H to directed fishing for the species and/or species group that comprises that fishery category (which together constitute a species or species group for purposes of the directed fishing standards) for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

(iv) *Secondary halibut bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the trawl fishery categories listed in

paragraphs (b)(1)(iii)(B) through (F) of this section in the Bering Sea and Aleutian Islands Management Area will catch the secondary halibut bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the *Federal Register* the closure of the entire Bering Sea and Aleutian Islands Management Area to directed fishing for the species and/or species group that comprises that fishery category (which together constitute a species or species group for purposes of the directed fishing standards) for the remainder of the year or for the remainder of the season, except that when a bycatch allowance, or seasonal apportionment thereof, specified for the pollock/Atka mackerel/"other species" fishery category is reached, only directed fishing for pollock is closed to trawl vessels using non-pelagic trawl gear.

(2) *Attainment of a trawl bycatch allowance for Pacific herring.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the fishery categories listed in paragraphs (b)(1)(iii)(A) through (F) of this section in the Bering Sea and Aleutian Islands Management Area will catch the herring bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of this section, NMFS will publish in the *Federal Register* the closure of the Herring Savings Areas to directed fishing for the species and/or species group that comprises that fishery category (which together constitute a species or species group for purposes of the directed fishing standards) except that:

(i) When the midwater pollock fishery category reaches its specified bycatch allowance, or seasonal apportionment thereof, the Herring Savings Areas are closed to directed fishing for pollock with trawl gear; and

(ii) When the pollock/Atka mackerel/"other species" fishery category reaches its specified bycatch allowance, or seasonal apportionment thereof, only the Herring Savings Areas are closed to directed fishing for pollock by trawl vessels using non-pelagic trawl gear.

(d) *Attainment of a Pacific halibut non-trawl fishery bycatch allowance.* If, during the fishing year, the Regional Director determines that U.S. fishing vessels participating in any of the non-trawl fishery categories listed in paragraphs (b)(2)(ii)(A) through (C) of this section will catch the Pacific halibut bycatch allowance, or seasonal apportionment thereof, specified for that fishery category under paragraph (b) of

this section, NMFS will publish in the Federal Register the closure of the entire Bering Sea and Aleutian Islands Management Area to directed fishing with the relevant gear type for the species and/or species group that comprises that fishery category (which together constitute a species or species

group for purposes of the directed fishing standards).

[FR Doc. 93-6166 Filed 3-17-93; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 58, No. 51

Thursday, March 18, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL ELECTION COMMISSION

11 CFR Part 104

[Notice 1993-13]

Recordkeeping and Reporting Requirements—Best Efforts

AGENCY: Federal Election Commission.

ACTION: Change in date of public hearing.

SUMMARY: The Commission previously announced that it would hold a public hearing on its proposed rules governing treasurers' best efforts to obtain and report certain contributor information, if there were a sufficient number of persons interested in testifying on these regulations. The Commission has now decided to hold the hearing, but to change the date previously suggested. The hearing has been rescheduled for March 31, 1993.

DATES: The Commission will hold the best efforts hearing on March 31, 1993 at 10 a.m.

ADDRESSES: The hearing will be held at the Federal Election Commission, Ninth Floor Hearing Room, 999 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219-3690 or toll free (800) 424-9530.

SUPPLEMENTARY INFORMATION: On September 24, 1992, the Commission published proposed regulations at 11 CFR 104.7(b) regarding several possible changes to the regulations requiring treasurers of political committees to exercise best efforts to obtain, maintain and report the complete identification of contributors donating over \$200 per calendar year. See 57 FR 44137. In response to the comments received, the Commission published a subsequent announcement that a public hearing would be held on March 24, 1993 if there were a sufficient number of persons interested in testifying. 58 FR 4110 (Jan. 13, 1993)

Based on the responses received to date, the Commission has decided to hold the hearing, but to change the date tentatively announced. The hearing on the best efforts provisions will be held on March 31, 1993, at 10 a.m.

Dated: March 15, 1993.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 93-6318 Filed 3-17-93; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM93-4-000]

Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations

Issued March 10, 1993.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of informal conferences.

SUMMARY: The Federal Energy Regulatory Commission (Commission) will be holding informal conferences to assess the progress of the industry in developing uniform standards (relating to the release of pipeline capacity) for Electronic Bulletin Boards that interstate natural gas pipelines are required to maintain under the Commission's regulations.

DATES: The dates of the conferences will be announced by future notices.

ADDRESSES: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 (202) 208-1283

Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. (202) 208-0666

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the *Federal Register*, the Commission also provides all interested persons an opportunity to

inspect or copy the contents of this document during normal business hours in room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300, 1200 or 2400 bps, full duplex, no parity, 8 data bits, and 1 stop bit. CIPS can also be accessed at 9600 bps by dialing (202) 208-1781. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

Notice of Informal Conferences

March 10, 1993.

On February 26, 1993, the Commission held a technical conference to determine the progress made by the industry in developing uniform electronic bulletin board (EBB) standards. As a result of that conference, the Commission believes that while the industry has made progress in resolving disagreements concerning standardization, more progress is needed.

The Commission believes that, as a first step toward using EBBs as part of a competitive natural gas market, the following must be resolved to ensure efficiently operating capacity release markets:

(1) Standards for information and common terminology in order to ensure a viable capacity release market.¹

(2) Standards for files with common data formats, which can be "downloaded" by customers.²

¹ See, e.g., the type of information the Interstate Natural Gas Association of America (INGAA) proposed in its written comments for the February 26, 1993 technical conference. Initial Comments filed January 11, 1993; Reply Comments filed January 29, 1993, in Docket No. RM93-4-000.

² The issues here include standardized identifiers to facilitate the comparison of capacity releases among pipelines, such as standard codes to identify pipeline receipt and delivery points; standard methods to access these files independent of the