

design features to maintain gas velocity or to remove liquids. The actual construction records or as-built drawings would show what the operator actually did. Another example might be a construction record showing the use of a filter or separator at the gate station of a distribution pipeline. Regardless of the choices in recordkeeping an operator makes, the records must show circumstances justifying variance based on impracticability or lack of necessity. For example, if an operator does not provide features for effective liquid removal at low spots, the records must show why it is not necessary to do so.

### Regulatory Analyses and Notices

#### Privacy Act Statement

Anyone can search the electronic form of all comments received in response to any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). The Department of Transportation's complete Privacy Act Statement is published in the **Federal Register** on April 11, 2000 (65 FR 19477), and on the Web at <http://dms.dot.gov>.

#### Executive Order 12866 and DOT Policies and Procedures

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735) and, therefore, was not subject to review by the Office of Management and Budget. This final rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

Commenters pointed to discrepancies in the incident data used for the regulatory evaluation. Those discrepancies have been corrected in the regulatory evaluation for this final rule. One member of the TPSSC questioned whether the analysis included consideration of uncertainties. We have considered the comment and decided that our analysis adequately handles uncertainty in benefits and costs.

#### Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), PHMSA must consider whether rulemaking actions would have a significant economic impact on a substantial number of small entities. This final rule would affect operators of gas transmission pipelines and onshore gas gathering pipelines. The number of small entities operating gas transmission pipelines is not substantial and the cost of compliance with the final rule is small. Therefore,

I certify, under 5 U.S.C. 605, that this rulemaking will not have a significant impact on a substantial number of small entities.

#### Executive Order 13175

PHMSA has analyzed this final rule according to Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Because the final rule will not significantly or uniquely affect the communities of the Indian tribal governments nor impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

#### Paperwork Reduction Act

This final rule affects information collection that the Office of Management and Budget has approved under Control Number 2137-0049 (recordkeeping under 49 CFR part 192). Operators of gas transmission pipelines must keep records to show the adequacy of corrosion control measures. In addition, they must keep construction records and make them available to individuals operating and maintaining the pipeline. The final rule may require some added effort to document decisions about internal corrosion made during design and construction. Because of existing recordkeeping needs and prudent business practice, PHMSA estimates the added burden hours will be nominal.

#### Unfunded Mandates Reform Act of 1995

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rulemaking.

#### National Environmental Policy Act

PHMSA has analyzed the final rule for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Because the final rule requires limited physical change or other work that would disturb pipeline rights-of-way, PHMSA has determined the final rule is unlikely to affect the quality of the human environment significantly. An environmental assessment document is available for review in the docket.

#### Executive Order 13132

PHMSA has analyzed the final rule according to Executive Order 13132 ("Federalism"). The final rule does not have a substantial direct effect on the States, the relationship between the

national government and the States, or the distribution of power and responsibilities among the various levels of government. The final rule does not impose substantial direct compliance costs on State and local governments. Federal pipeline safety law prohibits State safety regulation of interstate pipelines. This regulation would not preempt state law for intrastate pipelines. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

#### Executive Order 13211

Transporting gas impacts the nation's available energy supply. However, this final rule is not a "significant energy action" under Executive Order 13211. It also 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. Further, the Administrator of the Office of Information and Regulatory Affairs has not identified this final rule as a significant energy action.

#### List of Subjects in 49 CFR Part 192

Design and construction, Internal corrosion, Pipeline safety.

■ For the reasons provided in the preamble, PHMSA amends 49 CFR part 192 as follows:

#### PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

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

**Authority:** 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

■ 2. Amend § 192.143 by designating existing text as paragraph (a) and adding a new paragraph (b) to read as follows:

#### § 192.143 General requirements.

\* \* \* \* \*

(b) The design and installation of pipeline components and facilities must meet applicable requirements for corrosion control found in subpart I of this part.

■ 3. Add § 192.476 to read as follows:

#### § 192.476 Internal corrosion control: Design and construction of transmission line.

(a) *Design and construction.* Except as provided in paragraph (b) of this section, each new transmission line and each replacement of line pipe, valve, fitting, or other line component in a transmission line must have features incorporated into its design and construction to reduce the risk of

internal corrosion. At a minimum, unless it is impracticable or unnecessary to do so, each new transmission line or replacement of line pipe, valve, fitting, or other line component in a transmission line must:

(1) Be configured to reduce the risk that liquids will collect in the line;

(2) Have effective liquid removal features whenever the configuration would allow liquids to collect; and

(3) Allow use of devices for monitoring internal corrosion at locations with significant potential for internal corrosion.

(b) *Exceptions to applicability.* The design and construction requirements of paragraph (a) of this section do not apply to the following:

(1) Offshore pipeline; and

(2) Pipeline installed or line pipe, valve, fitting or other line component replaced before May 23, 2007.

(c) *Change to existing transmission line.* When an operator changes the configuration of a transmission line, the operator must evaluate the impact of the change on internal corrosion risk to the downstream portion of an existing onshore transmission line and provide for removal of liquids and monitoring of internal corrosion as appropriate.

(d) *Records.* An operator must maintain records demonstrating compliance with this section. Provided the records show why incorporating design features addressing paragraph (a)(1), (a)(2), or (a)(3) of this section is impracticable or unnecessary, an operator may fulfill this requirement through written procedures supported by as-built drawings or other construction records.

Issued in Washington, DC on April 16, 2007.

Thomas J. Barrett,  
Administrator.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 070213033-7033-01; I.D. 041807B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is closing directed fishing for yellowfin sole by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal allowance of the 2007 halibut bycatch allowance specified for the trawl yellowfin sole fishery category in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 19, 2007, through 1200 hrs, A.l.t., May 21, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The second seasonal allowance of the 2007 halibut bycatch allowance specified for the trawl yellowfin sole fishery category in the BSAI is 195 metric tons as established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007).

In accordance with § 679.21(e)(7)(v), the Administrator, Alaska Region, NMFS, has determined that the second seasonal allowance of the 2007 halibut bycatch allowance specified for the trawl yellowfin sole fishery category in the BSAI has been caught.

Consequently, NMFS is closing directed fishing for yellowfin sole by vessels using trawl gear in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for yellowfin sole by vessels using trawl gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 17, 2007.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 18, 2007.

James P. Burgess

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 07-1999 Filed 4-18-07; 1:07 pm]

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