

§ 192.723(b)(2), and these activities provide operators an opportunity to verify their functionality and identify any existing abnormal operating conditions.

As part of DOT's regulatory review process, PHMSA is considering AGA's request to revise §§ 192.740 and 192.1003 to give operators the choice of managing the risk to farm taps under either of these regulatory sections. AGA contends that this action would provide industry with cost savings, while simultaneously improving pipeline safety by allowing operators to mitigate any future risk associated with farm taps through their DIMP plans. PHMSA believes that the two regulatory sections provide equivalent levels of safety.

II. Announcement of Exercise of Enforcement Discretion

PHMSA is exercising enforcement discretion while it considers AGA's request to revise §§ 192.740 and 192.1003 to give operators the choice of managing the risk to farm taps under either of these regulatory sections. PHMSA will not take any enforcement action relating to violations of § 192.740 with respect to operators that choose to include farm taps in their DIMP plans, and will instead require that such operators comply with the existing DIMP regulations of 49 CFR part 192, subpart P. This exercise of enforcement discretion provides operators with the flexibility to choose to either address the safety of farm taps under the current regulatory framework of §§ 192.740 and 192.1003(b), or under the regulatory framework that was in place prior to March 24, 2017, by including farm taps in their DIMP. Operators who choose the second option should continuously monitor their farm taps for heightened levels of risk under their DIMP. All operators of farm taps, moreover, should comply with other regulatorily required programs (e.g., §§ 192.603(c)(4) Abnormal Operations; 192.613(a) Continuing Surveillance; and, 192.617 Investigation of Failures).

PHMSA is issuing this document while it continues to evaluate and analyze the technical aspects of this matter. This exercise of enforcement discretion will remain in effect until further notice. Nothing in this document prohibits PHMSA from rescinding this document and pursuing an enforcement action if it determines that a significant safety issue warrants doing so. Furthermore, this document does not relieve operators from compliance with any other applicable provisions of the pipeline safety regulations.

Issued in Washington DC on March 20, 2019, under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Deputy Associate Administrator for Field Operations.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648-XF559

Fisheries of the Exclusive Economic Zone Off Alaska; Essential Fish Habitat Amendments; Correction

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

ACTION: Fishery management plan amendments; notification of correction.

SUMMARY: The National Marine Fisheries Service (NMFS) is announcing the correction of Amendment 115 to the fishery management plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI Groundfish FMP). NMFS is correcting the numbering of the sections in Amendment 115 describing species-specific essential fish habitat (EFH).

DATES: The correction to Amendment 115 is effective March 26, 2019.

ADDRESSES: The corrected FMP may be obtained at <https://www.npfmc.org/wp-content/PDFdocuments/fmp/BSAI/BSAIfmp.pdf>.

FOR FURTHER INFORMATION CONTACT: Megan Mackey, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Need for Correction

On July 5, 2018, NMFS announced the final approval of EFH amendments to five of its six FMPs, including the BSAI Groundfish FMP (83 FR 31340), in effect as of May 31, 2018 (July 2018 notification) and published availability information for the amendments. These amendments updated the description and identification of EFH based on the best scientific information available to comply with the regulatory requirement to review and update EFH every five years. Species-specific EFH sections are numbered in Section 4.2.2 of the BSAI Groundfish FMP; however, a number for the dusky rockfish section was inadvertently left out. This correction provides a number for the dusky

rockfish section, and rennumbers subsequent species sections sequentially. No regulations were promulgated as part of the July 2018 notification, therefore no regulatory changes are needed to effect this correction.

Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA (AA) finds there is good cause to waive prior notice and opportunity for public comment on this correction, as notice and comment would be unnecessary and contrary to public interest. This notification announces the correction of the unintentional omission of a number for the dusky rockfish EFH section, as described above, and does not change operating practices in the fisheries. Therefore, in order to avoid any negative consequences that could result from this error, the AA finds good cause to waive the requirement to provide prior notice and opportunity for public comment.

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 correction notification makes only minor change to the numbers of the species-specific EFH sections and does not change the operating practices in the fisheries. For these reasons, the AA finds good cause to waive the 30-day delay in the effective date of this action.

Description of Correction

In the BSAI Groundfish FMP Amendment 115, described in the July 2018 notification (see **ADDRESSES** for availability), the section for dusky rockfish on page 10 is numbered as follows:

4.2.2.2.20 Dusky Rockfish

Species-specific EFH sections following dusky rockfish are corrected to be numbered sequentially up to the last species section numbered 4.2.2.2.30 for yellow Irish lord, which was numbered 4.2.2.2.29 in the text described in the July 2018 notification.

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

Dated: March 19, 2019.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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