

use method (1) or (2) from the definition in § 192.903 to identify a “high consequence area.”

List of Subjects in 49 CFR Part 192

High consequence areas, Incorporation by reference, Integrity management, Pipeline safety, Potential impact areas, Reporting and recordkeeping requirements.

■ Accordingly, 49 CFR Part 192 is corrected by making the following correcting amendments:

PART 192—[AMENDED]

■ 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.

§ 192.903 [Amended]

■ 2. In § 192.903 the definition of “high consequence area” is amended by removing the word “radius” from paragraph (1)(iv) and adding the word “circle” in its place.

■ 3. Section 192.925 is amended by revising paragraph (b) to read as follows:

§ 192.925 What are the requirements for using External Corrosion Direct Assessment (ECDA)?

* * * * *

(b) *General requirements.* An operator that uses direct assessment to assess the threat of external corrosion must follow the requirements in this section, in ASME/ANSI B31.8S (ibr, see § 192.7), section 6.4, and in NACE RP 0502–2002 (ibr, see § 192.7). An operator must develop and implement a direct assessment plan that has procedures addressing preassessment, indirect examination, direct examination, and post-assessment. If the ECDA detects pipeline coating damage, the operator must also integrate the data from the ECDA with other information from the data integration (§ 192.917(b)) to evaluate the covered segment for the threat of third party damage, and to address the threat as required by § 192.917(e)(1).

(1) *Preassessment.* In addition to the requirements in ASME/ANSI B31.8S section 6.4 and NACE RP 0502–2002, section 3, the plan’s procedures for preassessment must include—

(i) Provisions for applying more restrictive criteria when conducting ECDA for the first time on a covered segment; and

(ii) The basis on which an operator selects at least two different, but complementary indirect assessment tools to assess each ECDA Region. If an operator utilizes an indirect inspection method that is not discussed in Appendix A of NACE RP0502–2002, the operator must demonstrate the applicability, validation basis, equipment used, application procedure, and utilization of data for the inspection method.

(2) *Indirect examination.* In addition to the requirements in ASME/ANSI B31.8S section 6.4 and NACE RP 0502–2002, section 4, the plan’s procedures for indirect examination of the ECDA regions must include—

(i) Provisions for applying more restrictive criteria when conducting ECDA for the first time on a covered segment;

(ii) Criteria for identifying and documenting those indications that must be considered for excavation and direct examination. Minimum identification criteria include the known sensitivities of assessment tools, the procedures for using each tool, and the approach to be used for decreasing the physical spacing of indirect assessment tool readings when the presence of a defect is suspected;

(iii) Criteria for defining the urgency of excavation and direct examination of each indication identified during the indirect examination. These criteria must specify how an operator will define the urgency of excavating the indication as immediate, scheduled or monitored; and

(iv) Criteria for scheduling excavation of indications for each urgency level.

(3) *Direct examination.* In addition to the requirements in ASME/ANSI B31.8S section 6.4 and NACE RP 0502–2002, section 5, the plan’s procedures for direct examination of indications from the indirect examination must include—

(i) Provisions for applying more restrictive criteria when conducting ECDA for the first time on a covered segment;

(ii) Criteria for deciding what action should be taken if either:

(A) Corrosion defects are discovered that exceed allowable limits (Section 5.5.2.2 of NACE RP0502–2002), or

(B) Root cause analysis reveals conditions for which ECDA is not suitable (Section 5.6.2 of NACE RP0502–2002);

(iii) Criteria and notification procedures for any changes in the ECDA Plan, including changes that affect the

severity classification, the priority of direct examination, and the time frame for direct examination of indications; and

(iv) Criteria that describe how and on what basis an operator will reclassify and reprioritize any of the provisions that are specified in section 5.9 of NACE RP0502–2002.

(4) *Post assessment and continuing evaluation.* In addition to the requirements in ASME/ANSI B31.8S section 6.4 and NACE RP 0502–2002, section 6, the plan’s procedures for post assessment of the effectiveness of the ECDA process must include—

(i) Measures for evaluating the long-term effectiveness of ECDA in addressing external corrosion in covered segments; and

(ii) Criteria for evaluating whether conditions discovered by direct examination of indications in each ECDA region indicate a need for reassessment of the covered segment at an interval less than that specified in § 192.939. (See Appendix D of NACE RP0502–2002.)

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■ 4. Section 192.935 is amended by revising the introductory text of paragraph (d) to read as follows:

§ 192.935 What additional preventive and mitigative measures must an operator take?

* * * * *

(d) *Pipelines operating below 30% SMYS.* An operator of a transmission pipeline operating below 30% SMYS located in a high consequence area must follow the requirements in paragraphs (d)(1) and (d)(2) of this section. An operator of a transmission pipeline operating below 30% SMYS located in a Class 3 or Class 4 area but not in a high consequence area must follow the requirements in paragraphs (d)(1), (d)(2) and (d)(3) of this section.

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Appendix E to Part 192—[Amended]

■ 5. In Appendix E to Part 192, the introductory text of Section I is amended by removing the words “method (a) or (b)” from the second sentence and adding the words “method (1) or (2)” in its place.

Issued in Washington, DC, on May 20, 2004.

Samuel G. Bonasso,

Deputy Administrator.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 031216314-4118-03; I.D. 052004B]

RIN 0648-AR54

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Temporary Closure for the Shore-Based Whiting Sector

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces a temporary closure of the primary season for Pacific whiting (whiting) south of 42° N. lat. at noon local time (l.t.) May 22, 2004. "Per trip" limits for whiting will be reinstated until 0001 hours June 15, 2004, at which time the primary season south of 42° N. lat. will re-open. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to keep the harvest of whiting at the 2004 allocation levels.

DATES: Effective from noon l.t. May 22, 2004, until 0001 hours June 15, 2004. Comments will be accepted through June 10, 2004.

ADDRESSES: You may submit comments, identified by (docket number and/or RIN number), by any of the following methods:

- E-mail: WhitingCAclosure.nwr@noaa.gov. Include (docket number and/or RIN number) in the subject line of the message.
- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 206-526-6736, Attn: Becky Renko.
- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Becky Renko.

FOR FURTHER INFORMATION CONTACT: Becky Renko at 206-526-6110.

SUPPLEMENTARY INFORMATION: The regulations at 50 CFR 660.323(a) (3) and (4) establish separate allocations for the

catcher/processor, mothership, and shore-based sectors of the whiting fishery. For 2004, the 215,500 mt commercial OY for whiting is divided with the catcher/processor sector receiving 73,270 mt (34 percent); the mothership sector receiving 51,720 mt (24 percent); and the shore-based sector receiving 90,510 mt (42 percent). The regulations further divide the shore-based allocation so that no more than 5 percent (4,526 mt) of the shore-based allocation may be taken in waters off the State of California before the primary season begins north of 42° N. lat.

The primary season for the shore-based sector is the period(s) when the large-scale target fishery is conducted, and when "per trip" limits are not in effect. Because whiting migrate from south to north during the fishing year, the shore-based primary season begins earlier south of 42° N. lat. than north. For 2004, the primary season for the shore-based sector between 42°-40°30' N. lat. began on April 1; south of 40°30' N. lat. the primary season began on April 15; and the fishery north of 42° N. lat. is scheduled to begin June 15.

Because the 4,526-mt allocation for the early season fishery off California is estimated to be reached, NMFS is announcing the closure of the primary whiting season south of 42° N. lat. The 20,000-lb (9,072-kg) trip limit that was in place before the start of the southern primary season is being reinstated and will remain in effect until the primary season north of 42° N. lat. opens on June 15. A trip limit of 10,000 lb (4,536 kg) of whiting is in effect year-round (unless landings of whiting are prohibited) for vessels that fish in the Eureka area shoreward of the 100-fm (183-m) contour at any time during a fishing trip. This smaller limit is intended to minimize incidental catch of chinook salmon which are more likely to be caught shallower than 100 fm (183 m) in the Eureka area.

The best available information on May 20, 2004, indicates that 3,999 mt of whiting have been taken by the shore-based fishery south of 42° N. lat. through May, 16, 2004 and that the 4,526 mt allocation is projected to be taken by noon May 22, 2004. Therefore, the 20,000-lb (9,072-kg) per-trip limits announced in the 2004 specifications and management measures (69 FR 11064, March 9, 2004 as amended at 69 FR 23667, April 30, 2004) will resume until the primary season begins north of 42° N. lat.

NMFS Action

For the reasons stated above, and in accordance with the regulations at 50 CFR 660.323 (a)(4)(i)(B) and

(a)(4)(iii)(D), NMFS revises paragraph B. of Section IV. of the 2004 harvest specification and management measures (69 FR 11064, March 9, 2004, as amended at 69 FR 23667 (April 30, 2004), by adding a new paragraph.

IV. NMFS Actions

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B. * * *

(3) * * *

(b) * * *

(iv) Closure of shore-based sector south of 42° N. lat. Effective noon May 22, 2004, to 0001 hours June 15, 2004 l.t. the primary whiting season south of 42° N. lat. is closed. Landing and frequency limits imposed under paragraph (b) of this section are in effect until the primary whiting season reopens on June 15, 2004.

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Classification

This action is authorized by the regulations implementing the FMP. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Regional Administrator (see **ADDRESSES**) during business hours.

The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for comment on this action pursuant to 5 U.S.C. 553 (b)(B), because providing prior notice and opportunity would be impracticable and contrary to the public interest. It would be impracticable and contrary to the public interest because if this closure were delayed in order to provide prior notice and opportunity for public comment, the fishery would exceed the early season sector allocation for whiting south of 42° N. lat. Similarly, the AA finds good cause to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553 (d)(3) as such a delay would cause the fishery south of 42° S. lat. to exceed its allocation. Allowing the early season fishery to continue would result in a disproportionate shift in effort which could result in greater impacts on Endangered Species Act listed chinook salmon and overfished groundfish species that had been considered when the 2004 Pacific Coast groundfish harvest specifications were established. This action is taken under the authority of 50 CFR 660.323(a)(4)(i)(B) and (a)(4)(iii)(D), and is exempt from review under Executive Order 12866.

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

Dated: May 21, 2004.

Bruce C. Morehead,

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

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