information contact John Gale by phone at (202) 366–4046.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of April 14, 2009, PHMSA published a direct final rule adopting the most recent editions of two consensus technical standards, the American Petroleum Institute (API) 5L (44th edition) and API 1104 (20th edition). Through use of these consensus standards, pipeline operators will be able to use current technology, materials, and practices. The incorporation of the most recent editions of these standards improves clarity, consistency, and accuracy, reduces unnecessary burdens on the regulated community and will provide, at minimum, an equivalent level of safety. PHMSA did not eliminate the use of the current referenced standards but simply allowed the additional use of these new standards. PHMSA may in the future propose to eliminate the incorporation of the existing referenced standards.

Standards Incorporated by Reference

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) directs Federal agencies to use voluntary consensus standards in lieu of government-written standards whenever possible. Voluntary consensus standards are standards developed or adopted by voluntary bodies that develop, establish, or coordinate technical standards using agreed upon procedures.

PHMSA's Office of Pipeline Safety participates in more than 25 national voluntary consensus standards committees. PHMSA's policy is to adopt voluntary consensus standards when they are applicable to pipeline design, construction, maintenance, inspection, and repair. PHMSA has the ultimate responsibility to ensure the best interests of public safety are being served. PHMSA reviews and approves for incorporation by reference updated versions based on this directive. When PHMSA believes some aspect of the standard does not meet this directive, it will not incorporate the new edition, or that part of the standard that it believes is contradictory with the directive. In recent years, PHMSA has adopted dozens of new and revised voluntary consensus standards into its gas pipeline (49 CFR Part 192) regulations, its liquefied natural gas (LNG) (49 CFR Part 193) regulations, and its hazardous liquid pipeline (49 CFR Part 195) regulations.

Parts 192, 193, and 195 incorporate by reference all or parts of more than 60 standards and specifications developed and published by technical organizations, including the American Petroleum Institute, American Gas Association, American Society of Civil Engineers, American Society of Mechanical Engineers, American Society for Testing and Materials, Manufacturers Standardization Society of the Valve and Fittings Industry, National Fire Protection Association, Plastics Pipe Institute, and Pipeline Research Council International. These organizations update and revise their published standards every 3 to 5 years to reflect modern technology and best technical practices. PHMSA has reviewed the revised voluntary consensus standards being incorporated in this final rule.

New Editions of Standards

The following new editions of currently referenced standards are being incorporated by reference (IBR) in parts 192 and 195. These new editions refine, and clarify existing material in the standard and generally do not introduce new topics.

American Petroleum Institute (API)

•ANSI/API Spec 5L/ISO 3183 ''Specification for Line Pipe'' (44th edition, 2007) Referenced by 49 CFR 192.55(e); 192.112; 192.113; Item I, Appendix B to part 192; 195.106(b)(1)(i); 195.106(e).

Amendments to API 5L in the 44th edition include:

1. High default toughness criteria for PSL 2 pipe previously not specified, ensuring a higher toughness baseline for most critical products in the field.

2. Restrictive dimensional limits (including wall thickness, diameter, out-of-round, pipe end geometric irregularities) ensuring better field fit up and welding.

3. More comprehensive description of ultrasonic and radiographic methods and documentation testing providing a more consistent weld and body inspection and pipe traceability is improved through key inspection step.

4. New sour service and offshore requirements including restrictive documentation, processing, chemical composition, inspection and mechanical property controls ensuring well suited product applied to these critical applications.

• API 1104 ''Welding of Pipelines and Related Facilities,'' (20th edition, errata, 2008) Referenced in 49 CFR 192.227(a); 192.229(c)(1); and 192.241(c); Item II, Appendix B; 195.222; 195.228(b) and 195.214(a).

The 20th edition of API 1104 includes a new Appendix A. Appendix A describes the method to determine the maximum height and length of a weld imperfection that can remain in a girth weld and not be a threat to the integrity of a pipeline. Appendix A in the 19th edition is an old standard that was developed in the 1970's and at that time X 60 material was the strongest pipe available. Now X 80 is commonplace.

By letters dated September 26, 2008 and December 4, 2008, EVRAZ, Inc. and California Steel Industries, Inc., petitioned PHMSA to allow the immediate use of the 44th edition of API 5L. The petitioners explained that the failure to allow the use of the newer standard would adversely impact the metallurgy and tolerances of the pipe manufactured in their plants and that the impact was industry-wide. Due to the lead time of ordering steel pipe for major infrastructure projects, the petitioners urgently requested that PHMSA allow the use of the newer standard in order to avoid adverse impacts on their customers' projects involving thousands of tons of pipe and hundreds of workers.

The direct final rule was issued under the procedures set forth in 49 CFR 190.339. That provision allows for incorporation by reference of industry standards by direct final rule. If an adverse comment or notice of intent to file an adverse comment is received, a timely document would be published in the **Federal Register** withdrawing this direct final rule in whole or in part. PHMSA did not receive any adverse comments.

Issued in Washington, DC, on June 22, 2009 under the authority delegated in part 1.

Jeffrey D. Wiese,

Acting Deputy Administrator.

[FR Doc. E9–15045 Filed 6–25–09; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1570

[Docket No. TSA–2008–0011]

RIN 1652–AA65

False Statements Regarding Security Background Checks

AGENCY: Transportation Security Administration, DHS.

ACTION: Final rule.

SUMMARY: On July 31, 2008, TSA published an interim rule prohibiting public transportation agencies, railroad carriers, and their respective contractors and subcontractors from knowingly

misrepresenting Federal guidance or regulations concerning security background checks for certain individuals. This final rule follows publication of the July 31, 2008 interim rule, and makes no changes at this final rule stage.

DATES: *Effective Date:* June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Ellen Siegler, Assistant Chief Counsel, TSA–2, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6002; telephone (571) 227–2723; facsimile (571) 227–1379; e-mail *Ellen.Siegler@dhs.gov*.

ADDRESSES:

Availability of Rulemaking Document

You can get an electronic copy using the Internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov;*

(2) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html;* or

(3) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Research Center'' at the top of the page.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

SUPPLEMENTARY INFORMATION:

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within TSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Persons can obtain further information regarding SBREFA on the Small Business Administration's Web page at *http://www.sba.gov/advo/laws/law_lib.html.*

Good Cause for Immediate Effective Date

This rule will be effective upon publication in the **Federal Register.** Section 553(d) of the Administrative Procedure Act 5 U.S.C. 553, allows an agency, upon finding good cause, to make a rule effective immediately. There is good cause for making this final rule effective immediately. An interim final rule (IFR), published on July 31, 2008, is already in effect. There is no need to provide advance notice that this final rule will become effective because this final rule is substantively identical to the IFR; it does not prohibit any conduct not already prohibited by the IFR.

I. Summary

On July 31, 2008, TSA issued an IFR codifying in the Code of Federal Regulations (CFR) sections 1414(e) and 1522(e) of the 9/11 Act, which prohibits public transportation agencies, railroad carriers, and their respective contractors and subcontractors from knowingly misrepresenting Federal guidance or regulations concerning security background checks for covered individuals. 73 FR 44665. Under 49 CFR 1570.13, as added by the IFR, entities operating mass transit systems, passenger rail systems, and freight rail carriers must understand TSA's regulations and guidance and represent these background checks accurately to their employees.

The public comment period on the IFR expired on September 2, 2008. TSA received no comments. For the reasons set forth in the IFR, TSA is continuing without change the provisions of 49 CFR 1570.13.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501. *et seq.*) requires that a Federal agency consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from the Office of Management and Budget (OMB) for each collection of information it conducts, sponsors, or requires through regulations. TSA has determined that there are no current or new information collection requirements associated with this rule.

III. Economic Impact Analyses

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order (E.O.) 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), directs each Federal agency to propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. Fourth, the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation). Because this rule does not add any requirements to those in the statute and in the July 31, 2008, IFR, TSA has not performed a cost/benefit analysis.

Executive Order 12866 Assessment

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993) provides for making determinations as to whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Order. Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including economic significance, which is defined as having an annual impact on the economy of $100 million. A regulation is also considered a significant regulatory action if it raises novel legal or policy issues.

This regulation is not significant under E.O. 12866. This final regulation will have no economic impact because the regulation makes no changes to 49 CFR 1570.13.

Regulatory Flexibility Act Assessment

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), requires agencies to perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities when the Administrative Procedure Act (APA) requires notice and comment rulemaking. TSA has not assessed whether this rule will have a significant economic impact on a substantial number of small entities, as defined in the RFA. When an agency publishes a rulemaking without prior notice and an opportunity for comment, the RFA analysis requirements do not apply. This rulemaking is a final rule that follows an IFR that TSA issued on July 31, 2008. Therefore, no RFA analysis is provided.

International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from establishing any standards or engaging

in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. TSA has assessed the potential effect of this rulemaking and has determined that it will not create any unnecessary obstacles to foreign commerce.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This rulemaking does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply and TSA has not prepared a statement under the Act.

IV. Executive Order 13132, Federalism

TSA has analyzed this final rule under the principles and criteria of E.O. 13132, Federalism. We have determined that this action will not have a substantial direct effect on the States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, have determined that this action does not have federalism implications.

V. Environmental Analysis

TSA has reviewed this action for purposes of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347) and has determined that this action will not have a significant effect on the human environment.

VI. Energy Impact Analysis

The energy impact of the action has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended (42 U.S.C. 6362). We have determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 49 CFR Part 1570

Appeals, Commercial drivers license, Criminal history background checks, Explosives, Facilities, Hazardous materials, Incorporation by reference, Maritime security, Motor carriers, Motor vehicle carriers, Ports, Seamen, Security measures, Security threat assessment, Vessels, Waivers.

The Amendments

■ For the reasons set forth in the preamble, the interim rule for part 1570 of Title 49 of the Code of Federal Regulations, adding § 1570.13, published July 31, 2008, at 73 FR 44665, is adopted as final, without change.

Issued in Arlington, VA, on June 22, 2009.

Gale D. Rossides,

Acting Administrator.

[FR Doc. E9–15080 Filed 6–25–09; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

RIN 0648–XP91

Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Non–Sandbar Large Coastal Shark Fisheries in the Shark Research Fishery and Atlantic Region

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

ACTION: Fishery closures.

SUMMARY: NMFS is closing the commercial fisheries for non–sandbar large coastal sharks (LCS) in both the shark research fishery and Atlantic region. This action is necessary because NMFS estimated that these fisheries have reached or exceeded 80 percent of the available quota.

DATES: The commercial non–sandbar LCS fisheries in both the shark research fishery and the Atlantic region are closed effective 11:30 p.m. local time July 1, 2009, until the effective date of the final 2010 shark season specifications in which NMFS will publish a separate document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster–Geisz or Guý DuBeck, 301–713–2347; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), its amendments, and its implementing regulations found at 50 CFR part 635 issued under authority of the Magnuson–Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Under § 635.5(b)(1), shark dealers are required to report every two weeks. Dealer reports for fish received between the 1st and 15th of any month must be received by NMFS by the 25th of that month. Dealer reports for fish received between the 16th and the end of any month must be received by NMFS by the 10th of the following month. In addition, shark landings within the shark research fishery are monitored via scientific observer reports. Under § 635.28(b)(2), when NMFS projects that fishing season landings for a specific shark quota have reached or are about to reach 80 percent of the available quota, NMFS will file for publication with the Office of the Federal Register a notice of closure for that shark species group that will be effective no fewer than 5 days from the date of filing. From the effective date and time of the closure until NMFS announces, via a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fishery for that specific quota is closed, even across fishing years.

On December 24, 2008 (73 FR 79005), NMFS announced that the non–sandbar LCS quota for the shark research fishery for the 2009 fishing year would be 37.5 metric tons (mt) dressed weight (dw) (82,673 lb dw). Scientific observer reports through June 15, 2009, indicate that 34.9 mt dw or 93 percent of the available quota for non–sandbar LCS Atlantic shark research fishery has been taken. This amount exceeds the 80 percent limit specified in the regulations. Accordingly, NMFS is closing the commercial non–sandbar LCS fishery in the shark research fishery as of 11:30 p.m. local time July 1, 2009.

On December 24, 2008, NMFS announced that the non–sandbar LCS quota in the Atlantic region would be 187.8 mt dw (414,024 lb dw). Dealer reports through May 31, 2009, indicate that 138.9 mt dw or 74 percent of the available quota for non–sandbar LCS has been taken. Dealer reports indicate that 19 percent of the quota was taken in April and 18 percent taken in May. Based on dealer reports in April and May, NMFS estimates that approximately 19 percent of the quota could be taken in June. Based on this projection, the non–sandbar LCS Atlantic region fishery could reach 92 percent of the quota, which exceeds the