

**§ 532.2 Scope and applicability.**

This part exempts NVOCCs duly licensed pursuant to 46 CFR 515.3 or registered pursuant to 46 CFR 515.19, holding adequate proof of financial responsibility pursuant to 46 CFR 515.21, and meeting the requirements of 46 CFR 532.4 through 532.7, from the following requirements and prohibitions of the Shipping Act and the Commission's regulations:

\* \* \* \* \*

(g) \* \* \* Any NVOCC failing to maintain its bond or license or registration as set forth above, or who has had its tariff suspended by the Commission, shall not be eligible to invoke this exemption.

■ 10. In § 532.7, revise paragraph (b) to read as follows.

**§ 532.7 Recordkeeping and audit.**

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(b) NRAs are subject to inspection and reproduction requests by the Commission. An NVOCC shall produce the requested NRAs promptly in response to a Commission request. All records produced must be in English or be accompanied by a certified English translation.

\* \* \* \* \*

By the Commission.

**Karen V. Gregory,**  
*Secretary.*

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**49 CFR Part 192**

[Docket No. PHMSA-2013-0097]

**Pipeline Safety: Reminder of Requirements for Utility LP-Gas and LPG Pipeline Systems**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Issuance of Advisory Bulletin.

**SUMMARY:** PHMSA is issuing an Advisory Bulletin to remind owners and operators of liquefied petroleum gas (LPG) and utility liquefied petroleum gas (utility LP-Gas) plants that although they must follow the American National Standards Institute/National Fire Protection Association (ANSI/NFPA) standards 58 or 59, they must also follow certain sections and requirements of Part 192.

**FOR FURTHER INFORMATION CONTACT:**

Todd DelVecchio by phone at 727-213-1575 or by email at [todd.delvecchio@dot.gov](mailto:todd.delvecchio@dot.gov), or Mike Israni at 202-366-4571 or by email at [mike.israni@dot.gov](mailto:mike.israni@dot.gov). Information about PHMSA may be found at <http://phmsa.dot.gov>.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

49 CFR 192.11 requires that each plant that supplies petroleum gas by pipeline to a natural gas distribution system must meet the requirements of Part 192 and ANSI/NFPA 58 and 59 (2004) (192.11(a)). It also states that each pipeline system subject to Part 192 that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of Part 192 and of ANSI/NFPA 58 and 59 (192.11(b)). Finally, the regulation lays out a primacy provision stating that in the event of a conflict between the regulation and the standard, ANSI/NFPA 58 and 59 prevail (192.11(c)). However, this primacy provision does not excuse operators from following Part 192 requirements. For instance, when ANSI/NFPA 58 or 59 (2004) does not address a specific subject, then no conflict has occurred and the operator must follow Part 192 requirements.

At the time the primacy provision was added to the regulations in 1996, the standards took advantage of more current petroleum gas transportation technology and safety practices. In a July 22, 2009, (74 FR 36139) Notice of Proposed Rulemaking (NPRM), PHMSA proposed changing this primacy provision. PHMSA proposed changing this provision because the new NFPA standards issued in 2008 had many conflicts with Part 192 and PHMSA had noticed that operators were misinterpreting § 192.11(c). In response to the NPRM, commenters objected to the change suggesting it would result in unanticipated safety consequences. PHMSA did not take any action at the final rule stage, but in the future, PHMSA may undertake a rulemaking to address this issue. This Advisory Bulletin serves to remind owners and operators of petroleum gas systems that they must continue to comply with certain requirements of Part 192.

**II. Advisory Bulletin (ADB-2013-03)**

*To:* Owners and operators of LPG and utility LP-gas plants.

*Subject:* Applicability of Part 192 to owners and operators of LPG and utility LP-gas plants.

*Advisory:* When ANSI/NFPA 58 or 59 (2004) does not address a specific

subject, then a conflict has not occurred and the operator must follow Part 192 requirements. Part 192 covers areas that are not addressed in ANSI/NFPA 58 or 59 (2004). These areas include:

- Inspection requirements for distribution mains (§§ 192.305 and 192.307).
- Backfill requirements for installing pipe in a ditch (§ 192.319).
- Underground pipe clearance requirements (§ 192.325).
- Valve requirements for service lines (§§ 192.363 and 192.365).
- Continuing surveillance (§ 192.613).
- Public awareness (except for small LP-gas systems) (§ 192.614).
- Operator qualification (except for small utility LP-Gas systems) (Subpart N).
- Distribution Pipeline Integrity Management (Subpart P).

While not intended to be an exhaustive list, the following table highlights various requirements of Part 192 that are not addressed by ANSI/NFPA 58 and 59 (2004). Because ANSI/NFPA 58 and 59 (2004) do not have specific language on these topics, there is no conflict, and therefore Part 192 applies in these areas.

Section	Title
<b>Subpart G—General Construction Requirements for Transmission Lines and Mains</b>	
192.305 ....	Inspection: General.
192.307 ....	Inspection of materials.
192.319 ....	Installation of pipe in a ditch.
192.323 ....	Casing.
192.325 ....	Underground clearance.
<b>Subpart H—Customer Meters, Service Regulators, and Service Lines</b>	
192.363 ....	Service lines: Valve requirements.
192.365 ....	Service lines: Location of valves.
<b>Subpart L—Operations</b>	
192.613 ....	Continuing Surveillance.
192.614 ....	Damage Prevention Program.
192.615 ....	Emergency Plans.
192.616 ....	Public Awareness.
<b>Subpart N—Qualification of Pipeline Personnel</b>	
This Part 192 subpart would apply in its entirety; NFPA 58 does not address any requirements of this subpart.	
<b>Subpart P—Distribution Pipeline Integrity Management (IM)</b>	
This Part 192 subpart would apply in its entirety; NFPA 58 does not address any requirements of this subpart.	

Issued in Washington, DC, on July 11, 2013.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 121129661-3591-03]

RIN 0648-BC81

#### Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 24 and Framework Adjustment 49; Correction

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

**ACTION:** Correcting amendment.

**SUMMARY:** This action contains corrections and clarifications to the final rule implemented through Joint Framework Adjustment 24 to the Scallop Fishery Management Plan and Framework Adjustment 49 to the Northeast Multispecies Fishery Management Plan (Joint Framework 24/49), which published in the **Federal Register** on May 9, 2013. Following publication, NMFS identified certain provisions of the implementing regulations for Joint Framework 24/49 that needed correcting or clarification. Specifically, this correcting amendment makes corrections pertaining to the scallop fishery's default 2014 fishing year days-at-sea allocation for full-time vessels so that the allocation in the regulations is as intended by Joint Framework 24/49 (i.e., currently this allocation is greater than specified through the preambles to the proposed and final rules). In addition, this amendment makes corrections to the observer call-in requirements for scallop limited access general category individual fishing quota vessels when fishing in open areas so that vessel owners and operators are clear on when they are required to call into the industry-funded observer program.

**DATES:** Effective July 18, 2013.

**FOR FURTHER INFORMATION CONTACT:** Emily Gilbert, Fishery Policy Analyst, 978-281-9244; fax 978-281-9135.

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 9, 2013, the final rule for Joint Framework 24/49 published in the **Federal Register** (78 FR 27088). The primary purpose of Joint Framework 24/49, developed by the New England Fishery Management Council (Council), was to set specifications for the scallop fishery, including days-at-sea (DAS), individual fishing quota (IFQ), and sea scallop access area trip allocations for fishing year (FY) 2013 and FY 2014 (default allocations). This action also made other adjustments to the Scallop FMP, including revisions to the industry-funded observer program for limited access general category (LAGC) IFQ vessels. This action was a joint framework with the Northeast Multispecies Fishery Management Plan (FMP) (i.e., Framework 49) because it adjusted the Georges Bank scallop access area seasonal closure schedules, which changed exemptions to areas closed to fishing specified in the Northeast Multispecies FMP.

#### Need for Correction

After publication of the final rule implementing Joint Framework 24/49, NMFS identified certain provisions that needed correcting or clarification. This rule makes these corrections and clarifications.

#### Correction

This action revises the table at § 648.53(b)(4) to correctly reference the FY 2014 DAS allocation for full-time vessels. Although the preambles in both the proposed and final rules correctly state the FY 2014 DAS allocations outlined in Joint Framework 24/49, the table in the final rule inadvertently included a higher full-time vessel DAS allocation for FY 2014 (i.e., 26 DAS instead of 23 DAS).

This action also revises the regulatory text at § 648.11(g) and the definition for scallop open areas at § 648.2 to clarify the industry-funded observer program call-in requirements for scallop LAGC IFQ vessels when fishing in open areas. Joint Framework 24/49 broadened the industry-funded observer program to include LAGC IFQ open area trips (previously, the program only applied to access area trips for this portion of the scallop industry). However, Joint Framework 24/49 inadvertently implemented ambiguous regulatory language that did not fully clarify that this broadening of the industry-funded observer program did not include vessels fishing in the Northern Gulf of Maine (NGOM) management area (i.e., the NGOM should not be considered part of scallop open areas). The Council

designated the NGOM as a distinct management area through Amendment 11 to the Scallop FMP (73 FR 20090; April 14, 2008). Very few IFQ vessels fish in the NGOM management area, but when they do, they must fish under the regulations set for NGOM-permitted vessels. NGOM-permitted vessels are not part of the industry-funded observer program and NMFS covers the costs for these observed trips. This action clarifies the intent of both Joint Framework 24/49 and Amendment 11 by stating that the NGOM is not part of the scallop open areas, and, as such, that LAGC IFQ vessels fishing in the NGOM are not subject to the call-in requirements for the industry-funded observer program.

#### Classification

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive prior notice and opportunity for public comment for this action because any delay of this action would be unnecessary and contrary to the public interest. This correcting amendment includes revisions that reflect the measures detailed in the preamble of the proposed rule for Joint Framework 24/49, for which the opportunity for public comment was already given. The revision to the full-time vessel DAS allocation table, while it reduces the DAS, was correctly described in the preamble to the proposed and final rule. The revision is therefore one that could have been anticipated. Such a reduction is needed in order to ensure that the DAS allocations specified at the start of FY 2014 will not be set at a level that could result in overharvest of the scallop resource. The Council is currently developing the formal FY 2014 specifications through Framework 25, which, if approved, would be implemented by May 2014 (i.e., 2 months after the start of FY 2014). The default FY 2014 specifications set through Joint Framework 24/49 are intended to allow for open area fishing at the start of FY 2014, but not at a level that would exceed the final Framework 25 allocations. No public comments were received on the FY 2014 DAS default allocations. The clarification of changes to the industry-funded call-in requirements make only minor, non-substantive changes in order to clarify the regulations. No public comments were received regarding the inclusion of LAGC IFQ open area trips as part of the industry-funded observer program. Delay in implementing the clarification to the industry-funded call-in requirements is contrary to the public interest because LAGC IFQ vessel