

easterly to 24°33'48.8" N, 081°47'54.8" W, and along the shore line back to the beginning point. These coordinates are based on North American Datum 1983.

(b) *Definitions.* As used in this section, *vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, no person or vessel may enter or remain in the security zone described in paragraph (a) of this section without the permission of the Captain of the Port, other than Government-owned vessels.

(2) While anchoring, loitering, or fishing activities are prohibited, vessels may transit the following portions of the security zone at safe speed:

(i) Fleming Key Cut, extending from the northwest corner of Pier D-3 of U.S. Coast Guard Key West, eastward beneath the Fleming Key bridge.

(ii) Key West Bight Channel, which extends easterly from the Main Ship Channel into Key West Bight, the northerly edge of which channel passes 25 feet south of the U.S. Coast Guard Sector Key West piers on the north side of the Bight.

Jason D. Ingram,

Captain, U.S. Coast Guard, Captain of the Port Sector Key West.

[FR Doc. 2023-24853 Filed 11-8-23; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA-2023-0080]

Pipeline Safety: Mifflin Energy Corporation's Petition for Declaratory Order Concerning Part 192 Jurisdiction and Operator Responsibility Over Customer-Owned Piping

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Petition for a Declaratory Order.

SUMMARY: The Pipeline and Hazardous Materials Safety Administration is seeking comment on a Petition for a Declaratory Order (Petition).

DATES: Comments are due on or before December 11, 2023. Reply comments to

comments received are due on or before December 26, 2023.

ADDRESSES: Comments should reference the docket number for the petition request and may be submitted by any of the following methods:

- *Web:* <https://www.regulations.gov>.

This site allows the public to enter comments on any **Federal Register** document issued by any agency. Follow the online instructions for submitting comments.

- *Fax:* 202-493-2251.

• *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12-140, Washington, DC 20590-0001.

• *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12-140, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

• *Instructions:* Identify [Docket No. PHMSA-2023-0080] at the beginning of your comments. If you submit your comments by mail, submit two copies. Internet users may submit comments at <https://www.regulations.gov>. If you would like confirmation that PHMSA received your comments, please include a self-addressed stamped postcard labeled "Comments on PHMSA-2023-0080." The docket clerk will date stamp the postcard prior to returning it to you via U.S. mail.

• *Note:* All comments received will be posted without edits to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading for more information. Anyone can use the site to search all comments by the name of the submitting individual or, if the comment was submitted on behalf of an association, business, labor union, etc., the name of the signing individual. Therefore, please review the complete DOT Privacy Act Statement in the **Federal Register** at 65 FR 19477 or the Privacy Notice at <https://www.regulations.gov> before submitting comments.

• *Privacy Act Statement:* DOT may solicit comments from the public regarding certain general notices. DOT posts these comments without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

• *Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually

treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments in response to this document contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this document it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to provide confidential treatment to information you give to the Agency by taking the following steps: (1) mark each page of the original document submission containing CBI as "Confidential;" (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Tewabe Asebe, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Submission containing CBI can also be emailed to Tewabe Asebe by encrypted email at tewabe.asebe@dot.gov. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket.

• *Docket:* For access to the docket or to read background documents or comments, go to <https://www.regulations.gov>. Follow the online instructions for accessing the dockets. Alternatively, this information is available by visiting DOT at 1200 New Jersey Avenue SE, West Building: Room W12-140, Washington, DC 20590-0001, between 9:00 a.m. and 5:00 p.m. EST, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Tewabe Asebe, Office of Pipeline Safety, by phone at 202-366-5523 or by email at tewabe.asebe@dot.gov.

SUPPLEMENTARY INFORMATION: PHMSA is evaluating a Petition for a Declaratory Order (Petition) from Mifflin Energy Corporation (Mifflin), pursuant to 49 U.S.C. 60117(b)(1)(j).

Mifflin operated a production line in Greene County, Pennsylvania, which was subject to a free gas arrangement. Under the arrangement, gas flowed from Mifflin's production line through a pipeline owned by the landowner, with the regulator and meter placed at the juncture of the production line and the customer-owned pipeline. In March 2020, with Mifflin's consent, the landowner moved the regulator and the meter downstream of the juncture, further down the landowner's pipeline.

On April 9, 2020, a failure occurred on the landowner's piping, causing damage to a nearby residential structure.

On January 29, 2021, the Pennsylvania Public Utility Commission's (PAPUC) Bureau of Investigation and Enforcement (BI&E) requested an interpretation of 49 CFR part 192 as it concerned the facts of this incident. On September 21, 2021, OPS issued an interpretation in response to BI&E's inquiry.¹ The 2021 Interpretation stated that the piping between Mifflin's production line and the landowner's meter was a service line under § 192.3; the lease agreement did not have an impact on whether the pipe was a service line; and Mifflin was an "operator" within the meaning of § 192.3.

On March 20, 2023, Mifflin filed a Petition with PHMSA requesting PHMSA issue an order declaring that, under a free gas arrangement, customer-owned piping upstream of a meter is not subject to 49 CFR part 192, and that a production line operator is not responsible for ensuring compliance with part 192 on customer piping. The Petition also requested that PHMSA rescind its 2021 Interpretation issued to BI&E. The Petition is available for review in the docket for this proceeding.

Before issuing a final decision on the Petition, PHMSA will evaluate all comments received on or before the comment closing date. Comments received after the closing date will be evaluated if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment received in issuing its final decision and order, which will be published in the **Federal Register** and posted to PHMSA's website.

PHMSA notes this is the first time a person has petitioned for issuance of a declaratory order under authority granted to PHMSA by the PIPES Act of 2020. See Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2020, Consolidated Appropriations Act, 2021, Division R, Public Law 116-260, section 108(a), 134 Stat. 1181, 2221, 2223; 49 U.S.C. 60117(b)(1)(J). PHMSA is committed to including an opportunity for public comment in circumstances in which it exercises its authority to issue a declaratory order.

Issued in Washington, DC, on November 3, 2023, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2023-24718 Filed 11-8-23; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[RTID 0648-XD169]

Marine Mammals; Subsistence Taking of Northern Fur Seals; Pribilof and Aleutian Islands

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

ACTION: Notification of receipt of petition for rulemaking; request for comments.

SUMMARY: NMFS announces the receipt of a petition for rulemaking under the Administrative Procedure Act (APA). The Aleut Community of St. Paul Island (ACSPI), the Traditional Council of St. George Island (TCSGI), and the Aleut Marine Mammal Commission (AMMC) have petitioned NMFS to revise regulations governing the subsistence taking of northern fur seals. The revisions requested include: changing the current hunting season on St. Paul Island, Alaska to begin on October 15, creating an annual hunting season on St. George Island, Alaska to begin on October 15 and end on May 31, and creating an annual hunting season in the Aleutian Islands in Alaska to begin on November 1 and end on April 30, with an upper take limit for the Aleutian Islands of 100 non-breeding male fur seals. NMFS solicits public comments on this request. NMFS will consider all comments and available information when determining whether to proceed with rulemaking.

DATES: Comments must be received by December 11, 2023.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2023-091, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and enter [NOAA-NMFS-2023-091] in the Search box. Click the "Comment" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Anne Marie Eich, NMFS Alaska Regional Office, 709 W. 9th St., P.O. Box 21668, Juneau, AK 99802.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Electronic copies of the petitions and letters are available at: <https://www.regulations.gov/docket/NOAA-NMFS-2023-091> or the NMFS Alaska Region website: <https://www.fisheries.noaa.gov/alaska/marine-mammal-protection/northern-fur-seal-subsistence-harvest-estimates-and-reports#subsistence-harvest-estimates>.

FOR FURTHER INFORMATION CONTACT:

Michael Williams, NMFS Alaska Region, 907-271-5117, michael.williams@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The subsistence use of northern fur seals on the Pribilof Islands is governed by regulations established under the Fur Seal Act in 50 CFR 216.71-74. These regulations were most recently revised on October 30, 2014 (79 FR 65327, November 4, 2014), and September 27, 2019 (84 FR 52372, October 2, 2019), to increase food security, consistent with traditional and cultural practices, and deregulate aspects of the subsistence use of northern fur seals on the Pribilof Islands. ACSPI, TCSGI, and AMMC report that Alaska Native subsistence users have experienced the direct effects of climate change through unprecedented storm frequency, timing, and duration. This has resulted in the reduction of the availability of and opportunity to obtain subsistence resources. As a result, the ACSPI, TCSGI, and the AMMC submitted requests to NMFS to change the regulations to expand fur seal hunting and harvesting opportunities to meet their customary and traditional needs and practices, as well as their subsistence needs. NMFS considers these requests to be a formal petition for rulemaking under the APA. The requests are as follows:

¹ PHMSA, Interp. No. PI-21-0003, In re Pennsylvania Public Utility Commission, (Sept. 1, 2021) (the "2021 Interpretation").