

Appendix B to Part 300—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site Newport Dump, Newport, Kentucky.

[FR Doc. 96-13826 Filed 5-31-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 190, 191, 192 and 193**

[Docket PS-125; Notice 2]

RIN 2137-AC28

Regulatory Reinvention Initiative: Pipeline Safety Program Procedures; Reporting Requirements; Gas Pipeline Standards; and Liquefied Natural Gas Facilities Standards

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule changes various administrative practices in the pipeline safety program and makes minor modifications to requirements for gas detection, protective enclosures, and pipeline testing temperatures. These changes will eliminate unnecessary or overly burdensome requirements, and reduce costs in the pipeline industries without compromising safety.

EFFECTIVE DATE: The effective date of this final rule is July 3, 1996. However, affected parties will not have to comply with the information collection requirements in 49 CFR 193.2819(f) and 193.2907 (a) and (b) until the DOT publishes in the Federal Register the Control Numbers assigned by the Office of Management and Budget (OMB) to these collection of information requirements. Publication of the Control Numbers notifies the public that OMB has approved these requirements under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: L.E. Herrick, (202) 366-5523 or online at herrickl@rspa.dot.gov regarding the subject matter of this final rule, or the Dockets Unit, (202) 366-5046, regarding copies of this final rule or other information in the docket.

SUPPLEMENTARY INFORMATION:**Background**

In a memorandum dated March 4, 1995, the President provided direction to the heads of Departments and agencies on carrying out his Regulatory Reform Initiative for reinventing the government. As part of this initiative,

RSPA established a program to review existing pipeline safety regulations in order to identify those that were outdated or in need of reform.

On April 5, 1995, RSPA published a notice in the Federal Register soliciting comments from the pipeline industry as well as other interested parties (60 FR 17295, April 5, 1995). RSPA also conducted three outreach meetings in 1995 in Dallas, TX, Lakewood CO, and Houston, TX. Many comments were received both at the outreach meetings and in response to the Federal Register notice.

As a result of these comments, RSPA revisited this rulemaking which began in 1992. On November 6, 1992, RSPA published a notice of proposed rulemaking (NPRM) (57 FR 53085, November 6, 1992) proposing changes to parts 190, 191, 192 and 193. The comment period closed on December 7, 1992. RSPA received comments from 22 regulated pipeline companies, three pipeline trade associations, one consultant, one technical committee, and two state agencies (29 total comments received).

RSPA also requested a review of the proposal affecting natural gas facilities by mail balloting from the Technical Pipeline Safety Standards Committee (TPSSC). This 15-member committee was established by statute to consider the feasibility, reasonableness, and practicability of all proposed pipeline safety regulations.

After initial balloting, each TPSSC member reviewed the ballots and comments of each of the other members, and had the option to change his or her initial vote or comment if desired. Although some TPSSC members did not vote on every proposed change, a majority of TPSSC members found all the changes adopted by this rule to be technically feasible, reasonable, and practicable.

Changes to Part 190 Requirements**Section 190.203 Inspections**

Section 190.203(c) currently requires that, after an Office of Pipeline Safety (OPS) inspection, an operator must respond to a "Request for Specific Information within 30 days." RSPA proposed amending this section to increase the time to 45 days. The increase would enable the operator to provide RSPA with more complete information to use in evaluating inspection results.

RSPA received 19 comments from operators, State regulatory agencies and trade groups in response to this proposal. All commenters agreed that the time period should be extended. In

addition, one commenter suggested that a further extension be granted to cases involving detailed "specific information" that may require longer than 45 days to gather.

RSPA Response

RSPA believes that 45 days will usually be adequate. In situations where more time is required the Regional Director has the authority to extend the time allowed for a response. Therefore, the revision is adopted as proposed.

Section 190.209 Response Options

RSPA proposed deleting section 190.209(c). Section 190.209(c) currently allows a respondent to offer a compromise to a Notice of Probable Violation and Proposed Civil Penalty by submitting a check or money order for the amount offered to the Regional Director who forwards the offer to the Associate Administrator, OPS for action. If the Associate Administrator, OPS, accepts the offer in compromise, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If an offer in compromise is rejected, it is returned to the respondent with written notification.

RSPA received 19 comments from operators, State regulatory agencies and trade groups on the proposed deletion of § 190.209(c). Most commenters agreed with the proposed deletion. Two commenters disagree with the proposed deletion, preferring to retain the option and stating that § 190.209(c) does not place an undue regulatory burden upon industry.

All commenters observed that the deletion also affects § 190.209(a)(2) and §§ 190.227 (a), (b), and (d) and that these sections should also be revised for consistency.

RSPA Response

Under current Federal policy, assessment of a penalty is not contemplated until after a finding of violation. As a result, RSPA has not routinely resolved cases without such findings. The submission of a check prior to establishing a finding of violation unnecessarily restricts a company's cash flow during the pendency of the enforcement case. Therefore, RSPA is adopting this provision as proposed. In addition, RSPA is adopting the commenters' suggestions concerning §§ 190.209(a)(2); 190.227(a); 190.227(b); and 190.227(d).

Section 190.211(b)

Section 190.211(b) currently provides that in circumstances deemed

appropriate by the Regional Director, and only if the respondent concurs, a telephone conference may be held in lieu of a hearing. RSPA proposed to require a telephone hearing for all probable violations involving penalty amounts under \$10,000 in which a hearing is requested.

Five commenters responded to this proposal stating that they believe the respondent should have the option of dealing with any probable violation in person. These commenters argue that the dollar amount of the assessment for an alleged violation may not be indicative of the complexity of the case.

RSPA Response

RSPA believes that the current practice of conducting telephone hearings where the amount is less than \$10,000 is cost effective. However, based upon the comments received, RSPA will allow respondents to request in-person hearings. Therefore, the section is amended to establish telephone hearings as the preferred rather than required method for amounts less than \$10,000.

Section 190.211(c)

Section 190.211(c) currently states that a hearing may, under limited circumstances, be conducted by a representative of the OPS region in which the facility is located. RSPA proposed in the NPRM that all hearings be conducted by an attorney from the Office of the Chief Counsel of RSPA. All commenters agree with this proposal.

RSPA Response

The section is amended as proposed.

Section 190.211(e)

Section 190.211(e) currently states that at the outset of a hearing in response to a Notice of Probable Violation, the material in the case file pertinent to the issues to be determined is presented by the presiding official of the hearing. The respondent may examine and respond to or rebut this material. RSPA proposed to revise this regulation to provide the respondent the opportunity to review material in the case file pertinent to the issues prior to any hearing.

RSPA received 20 comments in response to the proposed amendments to § 190.211. The comments were provided by an array of trade organizations, state regulatory agencies and operators. All commenters agree with the proposed language. However, two commenters recommend that the case file be automatically provided to all respondents at least 30 days before the hearing. They conclude that any

respondent requesting a hearing will want to review all material in the case file and that automatically providing the material would eliminate unnecessary correspondence between the respondent and the agency.

RSPA Response

RSPA agrees that a copy of the case file should be provided to a respondent prior to a hearing. However, this practice should not include automatic mailing of a case file when a request for a hearing is submitted to the agency. The respondent may wish to address only some of the issues in the Notice of Probable Violation in the hearing; thus mailing the entire file may in some instances result in unnecessary expense. Therefore, § 190.211 is amended as proposed in the NPRM. Section 190.211(f) is also amended to clarify that the respondent will continue to have the opportunity to offer any relevant information during the hearing.

Section 190.215 Petitions for Reconsideration

Section 190.215(d) currently states that the filing of a petition for reconsideration does not stay the effectiveness of the final order. The proposed revision would automatically stay payment of any civil penalty assessed if a petition for reconsideration is filed. This will result in cost savings to the pipeline operator by delaying civil penalty payments until a decision is made on the petition for reconsideration.

RSPA received 20 comments on the proposed rule from operators, State regulatory agencies and trade groups. All commenters support the proposed amendment. Two commenters suggested that all requirements or actions contained in a final order be stayed because the final order may require the respondent to make significant facility or operational modifications that may exceed the cost of any civil penalty and these expenses should be delayed, until final resolution of the case, unless a clear public safety risk exists.

RSPA Response

RSPA agrees that final orders requiring significant facility or operational modifications should sometimes be delayed until final resolution of the case. However, because an automatic stay could delay corrective actions related to safety without an evaluation of any potential impact of the delay, the rule does not provide for an automatic stay in the case of orders requiring action other than the payment of money. Stays in cases involving

corrective action will be considered on a case-by-case basis.

Section 190.227 Payment of Penalty

Section 190.227(a) currently states that payment of a civil penalty must be made by certified check or money order payable to the "Department of Transportation." RSPA proposed to continue to allow this method for a civil penalty of less than \$10,000. Under new § 190.227(b), RSPA proposed to require that payments of \$10,000 or more be made by wire transfer through the Federal Reserve Communications System to the account of the U.S. Treasury.

In response to the proposed amendment of § 190.227, RSPA received 20 comments from operators, State regulatory agencies, and trade groups. Most commenters agree with the proposed amendment. One commenter recommends that the proposed language in § 190.227(b) be modified to read "twenty business days or thirty calendar days." This, he suggests, would aid smaller companies.

Four commenters disagree with the proposed changes to the regulation. They question RSPA's need to require wire transfers of civil penalties of \$10,000 or more. They argue that this restriction serves no purpose and unnecessarily limits the options of payees.

RSPA Response

RSPA is required by Departmental regulations (49 CFR 89.21(b)(3)) to collect amounts over \$10,000 through wire transfer. Therefore, the proposed amendment to § 190.227 will be adopted.

Changes to Part 191 Requirements

The following discussion explains the changes in part 191:

Section 191.1 Scope

Currently § 191.1(b)(1) contains the phrase "on the Outer Continental Shelf (OCS)". RSPA proposed to delete this phrase because the regulation does not clearly specify where the applicability of part 191 begins on offshore gathering lines in state waters. An operator recommended a similar change in comments responding to an NPRM proposing to clarify the definition of gathering lines (56 FR 48505; September 25, 1991; Docket PS-122).

RSPA's revision will clarify that part 191 does not apply to field production lines; i.e., flow lines in state offshore waters, similar to the present exception on the OCS. No substantive comments were received in response to this proposal.

RSPA Response

Therefore, RSPA is amending § 191.1 as proposed.

Changes to Part 192 Requirements

The following discussion explains the change to part 192:

Section 192.513 Test Requirements for Plastic Pipelines

This regulation prescribes minimum test requirements for plastic pipelines to ensure discovery of all potentially hazardous leaks. RSPA proposed to amend paragraph (c) of the rule to clarify that, at elevated temperatures, the test pressure is limited by the reduced hydrostatic strength of the thermoplastic material. RSPA also proposed to amend paragraph (d) of the rule which would benefit pipeline operators who during hot summer days are unable to pressure test newly constructed pipelines because the temperature of the thermoplastic material exceeds 38 °C (100N F). The proposal would permit field pressure testing up to the same temperature used to determine hydrostatic design strength as defined by the design pressure formula in § 192.121.

In response to the proposal, RSPA received 21 comments from operators, State regulatory agencies, and trade groups. Most commenters supported the intent of the proposed rule. However, a few commenters said that the wording of the proposed rule would undermine the intent. They were concerned that although the proposed rule would raise the temperature limit for testing of some pipelines (those with a long-term hydrostatic strength based on a temperature above 38 °C (100 °F)), it would lower the currently allowable temperature limit for other pipelines (those whose long-term hydrostatic strength is based on a design temperature of less than 38 °C (100 °F)).

One commenter stated that many operators base their pressure ratings for plastic pipe on a standard temperature of 23NC (73N F). For many parts of the United States, this design standard is adequate because it exceeds the operating temperature of buried plastic piping in those geographical regions. However, temperatures above ground often exceed 23NC (73N F). The proposed rule would prohibit operators for whom this applies from conducting pressure tests on hotter days until temperatures fall below 23NC (73N F). The commenters suggested a better approach would be to limit test temperatures to the temperature at which the long-term hydrostatic design basis was determined only if the

temperatures of the plastic piping material exceed 38 °C (100N F).

RSPA Response

RSPA recognizes the difficulties associated with the language of the proposed rule. To better express the intent of this rule, the maximum temperature limit for testing of plastic pipelines will be set at either 38 °C (100N F) or the temperature at which the long-term hydrostatic test was determined, whichever is greater.

In the discussion of the NPRM, it was stated that the Gas Piping Technology Committee (GPTC) proposed modified language in §§ 192.513 (c) and (d). The GPTC has notified RSPA that although the GPTC Plastic Task Group is considering a similar proposal, the GPTC has not proposed any modified language.

Changes to Part 193 Requirements

The following discussion explains the changes to part 193: *§ 193.2819 Gas detection*. Operators at LNG plants must continuously monitor all enclosed buildings for hazardous concentrations of flammable gases and vapors, using permanent detection systems that provide visible or audible alarms (§ 193.2819(f)). All enclosed buildings must be monitored, even if the building is not connected to a source of flammable fluid. For example, a tool shed that does not house a flammable fluid and is not connected to a source of flammable fluid must have a fixed gas detection and alarm system. Because RSPA's review concluded that the risk of flammable gas or vapor accumulating inside such buildings is negligible, we proposed to apply § 193.2819(f) only to buildings "that house a flammable fluid or are connected by piping or conduit to a source of flammable fluid."

Twelve TPSSC members supported the proposal completely, one member supported it but recommended deletion of "or conduit," and two members abstained. The reason given for deleting "or conduit" was that the National Electrical Code (NEC), referenced in part 193, requires conduits between hazardous and non-hazardous areas to be sealed to prevent accidental migration of flammable gas or vapor.

RSPA received comments on the proposed rule from 15 operators, two pipeline-related associations, and one consultant. None of these commenters objected to the proposal. However, two commenters suggested we delete "or conduit" because of the NEC safeguard mentioned above, while two others suggested that "conduit" be modified by "uninterrupted."

Two commenters recommended that RSPA expand the proposed exception to include buildings whose only source of flammable fluid is fuel for heating or cooking. When these sources were low pressure and odorized, it was concluded that they posed minimal risk.

RSPA Response

Deleting the words "or conduit" would not be appropriate because all existing conduits may not have been installed under current NEC standards and thus may not be sealed against possible intrusion of gas. However, in the final rule, RSPA has added the word "uninterrupted" between "or" and "conduit". This will relieve an operator from the need to protect a building which is sealed pursuant to the NEC against accidental migration of gas or vapor. We did not adopt the comment to expand the proposed exception to buildings whose only source of flammable fluid is fuel. The risk is not minimal in the context of an LNG plant. When LNG is piped into a building for heating or cooking, there is an opportunity for gas to escape undetected inside the building and ignite. However slight this opportunity, the potential consequences of any building fire or explosion are magnified by the LNG plant setting. Thus, we do not believe the existing rule should be relaxed further to exclude buildings whose only source of flammable fluid is gas for heating or cooking.

Section 193.2907 Protective Enclosure Construction

Paragraphs (b) (1) through (3) and (c) of this rule dictate specific material and design features of protective enclosures (i.e., fences and walls) that surround certain LNG facilities. For example, fences must be chainlink of at least No. 11 American wire gauge. RSPA's review concluded that such prescriptive requirements are unnecessary and overly burdensome in view of the performance standard under § 193.2907(a) governing the design and construction of protective enclosures. That standard provides that each protective enclosure must have sufficient strength and configuration to obstruct unauthorized access to the facilities enclosed. RSPA, therefore, proposed to repeal the prescriptive requirements and rely solely on the performance standard.

Twelve TPSSC members fully supported the proposal, one member supported it but recommended an editorial change, and two members abstained. The editorial change was not explained and has not been adopted.

RSPA received comments on the proposed rule from 12 operators and one pipeline-related association. Each of these commenters supported the proposal.

RSPA Response

Therefore, § 193.2907 is amended as proposed.

Rulemaking Analyses:

Paperwork Reduction Act

Documentation for the information collection requirements for parts 191 and 193 was submitted to the Office of Management and Budget (OMB) during the original rulemaking processes. Currently, regulations in part 191 are covered by OMB Control Numbers 2137-0522 and 2137-0578. The Control Numbers for regulations in part 193 have expired and are currently in the process of renewal through review by OMB. Under the Paperwork Reduction Act, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Therefore the information collection requirements of part 193 will not be effective until the renewal process is complete and is announced in a subsequent Federal Register notice. The applicable Control Number will remain 2137-0048. Part 190 imposes no paperwork requirements on the pipeline industry. Regulations in part 192 are covered by OMB Control Numbers 2137-0049 and 2137-0583. The notice proposed no additional information collection requirements. Accordingly, there is no need to repeat those submissions in this final rule.

E. O. 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and therefore was not subject to review by the Office of Management and Budget. The rule is not significant under the Regulatory Policies and Procedures of the DOT (44 FR 11034, February 26, 1979). A Regulatory Evaluation has been prepared and is available in the Docket. RSPA estimates the changes to existing rules will result in an estimated savings of \$1,200,000 for the pipeline industry, without associated costs and with no adverse affect on safety. As discussed above, these savings will come largely from the elimination of unnecessary requirements.

Regulatory Flexibility Act

Few of the companies subject to this rulemaking meet the criteria for small companies. However, RSPA sought such impact information in response to this

rulemaking. Accordingly, based on the facts available concerning the impact of the proposal and the response received, I certify under Section 605 of the Regulatory Flexibility Act that this final rule will not have a significant economic impact on a substantial number of small entities.

E. O. 12612

RSPA has analyzed the rule changes under the criteria of Executive Order 12612 (52 FR 41685; October 30, 1987). We find it does not warrant preparation of a Federalism Assessment.

List of Subjects

49 CFR Part 190

Administrative practice and procedure, Penalties, and Pipeline safety.

49 CFR Part 191

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 192

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 193

Fire prevention, Pipeline safety, Reporting and recordkeeping requirements, and Security measures.

In consideration of the foregoing, RSPA is amending 49 CFR parts 190, 191, 192, and 193 as follows:

PART 190—[AMENDED]

1. The authority citation for part 190 continues to read as follows:

Authority: 49 U.S.C. 5123, 60108, 60112, 60117, 60118, 60120, 60122, and 60123; and 49 CFR 1.53.

2. Section 190.203 is amended by revising paragraph (c) to read as follows:

§ 190.203 Inspections.

(c) If, after an inspection, the Associate Administrator, OPS believes that further information is needed to determine appropriate action, the Associate Administrator, OPS may send the owner or operator a "Request for Specific Information" to be answered within 45 days after receipt of the letter.

3. Section 190.209 is amended by removing paragraph (a)(2); by redesignating paragraph (a)(3) as paragraph (a)(2); by redesignating paragraph (a)(4) as (a)(3); and by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

4. Section 190.211 is amended by revising paragraphs (b), (c), (e), and (f) to read as follows:

§ 190.211 Hearing.

(b) A telephone hearing will be held if the amount of the proposed civil penalty or the cost of the proposed corrective action is less than \$10,000, unless the respondent submits a written request for an in-person hearing. Hearings are held in a location agreed upon by the presiding official, OPS and the respondent.

(c) An attorney from the Office of the Chief Counsel, Research and Special Programs Administration, serves as the presiding official at the hearing.

(e) Upon request by respondent, and whenever practicable, the material in the case file pertinent to the issues to be determined is provided to the respondent 30 days before the hearing. The respondent may respond to or rebut this material at the hearing.

(f) During the hearing, the respondent may offer any facts, statements, explanations, documents, testimony or other items which are relevant to the issues under consideration.

5. Section 190.215 is amended by revising paragraph (d) to read as follows:

§ 190.215 Petitions for reconsideration.

(d) The filing of a petition under this section stays the payment of any civil penalty assessed. However, unless the Associate Administrator, OPS otherwise provides, the order, including any required corrective action, is not stayed.

6. Section 190.227 is revised to read as follows:

§ 190.227 Payment of penalty.

(a) Except for payments exceeding \$10,000, payment of a civil penalty proposed or assessed under this subpart may be made by certified check or money order (containing the CPF Number for this case) payable to "U.S. Department of Transportation" to the Federal Aviation Administration, Mike Monroney Aeronautical Center, Financial Operations Division (AMZ-320), P.O. Box 25770, Oklahoma City, OK 73125, or by wire transfer through the Federal Reserve Communications System (Fedwire) to the account of the U.S. Treasury. Payments exceeding \$10,000 must be made by wire transfer. Payments, or in the case of wire transfers, notices of payment, must be sent to the Chief, General Accounting

Branch (M-86.2), Accounting Operations Division, Office of the Secretary, room 2228, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

(b) Payment of a civil penalty assessed in a final order issued under § 190.213 or affirmed in a decision on a petition for reconsideration must be made within 20 days after receipt of the final order or decision. Failure to do so will result in the initiation of collection action, including the accrual of interest and penalties, in accordance with 31 U.S.C. 3717 and 49 CFR part 89.

PART 191—[AMENDED]

1. The authority citation for Part 191 continues to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, and 60124; and 49 CFR 1.53.

2. Section 191.1 is amended by revising paragraph (b)(1) to read as follows:

§ 191.1 Scope.

* * * * *

(b) * * *

(1) Offshore gathering of gas upstream from the outlet flange of each facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; or

* * * * *

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.

2. Section 192.513 is amended by revising paragraphs (c) and (d) to read as follows:

§ 192.513 Test requirements for plastic pipelines.

* * * * *

(c) The test pressure must be at least 150 percent of the maximum operating pressure or 50 psig, whichever is greater. However, the maximum test pressure may not be more than three times the pressure determined under § 192.121, at a temperature not less than the pipe temperature during the test.

(d) During the test, the temperature of thermoplastic material may not be more than 38 °C (100N F), or the temperature at which the material's long-term hydrostatic strength has been determined under the listed specification, whichever is greater.

PART 193—[AMENDED]

1. The authority citation for part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, and 60113; 60118; and 49 CFR 1.53.

2. Section 193.2819 is amended by revising paragraph (f) to read as follows:

§ 193.2819 Gas detection.

* * * * *

(f) All enclosed buildings that house a flammable fluid or are connected by piping or uninterrupted conduit to a source of flammable fluid must be continuously monitored for the presence of flammable gases and vapors with a fixed flammable gas detection system that provides a visible or audible alarm outside the enclosed building. The systems must be provided and maintained according to the applicable requirements of ANSI/NFPA 59A.

3. Section 193.2907 is amended by revising paragraphs (a) and (b) to read as follows:

§ 193.2907 Protective enclosure construction.

(a) Each protective enclosure must have sufficient strength and configuration to obstruct unauthorized access to the facilities enclosed.

(b) Openings in or under protective enclosures must be secured by grates, doors or covers of construction and fastening of sufficient strength such that the integrity of the protective enclosure is not reduced by any opening.

* * * * *

Issued in Washington DC, on May 23, 1996.

Kelley S. Coyner,

Acting Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 96-13770 Filed 5-31-96; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 216 and 247

[Docket No. 960516135-6135-01; I.D. 051096A]

RIN 0648-AF08

Taking and Importing of Marine Mammals; Dolphin Safe Tuna Labeling; Regulation Consolidation

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

ACTION: Final rule.

SUMMARY: This rule consolidates existing regulations regarding dolphin safe tuna labeling and corrects an address in the regulations. This action is part of the President's regulatory reform initiative.

EFFECTIVE DATE: June 3, 1996.

FOR FURTHER INFORMATION CONTACT:

Wanda L. Cain, Office of Protected Resources, NMFS, 301-713-2055.

SUPPLEMENTARY INFORMATION:

On September 19, 1991 (56 FR 47424), NMFS published an interim final rule implementing dolphin safe tuna labeling requirements of the Dolphin Protection Consumer Information Act, 16 U.S.C. 1385. To consolidate regulations under the President's regulatory reform initiative, NMFS is recodifying regulations governing the requirements for the dolphin safe labeling of tuna as subpart H of part 216. In addition, a new paragraph is added to § 216.24 to reference subpart H in order to make importers aware of dolphin safe tuna labeling requirements.

In this rule, NMFS also removes the address of the Director, Southwest Region, from the footnote to § 261.24 (e)(3)(iii).

Classification

This rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(b)(B) and (d)(3), for good cause finds that because this rule makes only nonsubstantive changes to existing regulations that were issued pursuant to notice-and-comment procedures, it is not necessary to provide advance notice and opportunity for public comment or to delay its effectiveness for 30 days.

List of Subjects

50 CFR Part 216

Administrative practice and procedure, Exports, Imports, Indians, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

50 CFR Part 247

Exports, Fish, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 216 and, under authority of 16 U.S.C. 1385 *et seq.*, 247 are amended as follows: