

local, or tribal governments, in the aggregate, or to the private sector, and would be the least burdensome alternative that achieves the objective of the rule.

#### *National Environmental Policy Act*

We have analyzed the proposed rules for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Because the proposed rules parallel present requirements or practices, we have preliminarily determined that the proposed rules would not significantly affect the quality of the human environment. An environmental assessment document is available for review in the docket. A final determination on environmental impact will be made after the end of the comment period. If you disagree with our preliminary conclusion, please submit your comments to the docket as described above.

#### *Executive Order 13132*

The proposed rules have been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). The proposed rules do not propose any regulation that (1) has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government; (2) imposes substantial direct compliance costs on State and local governments; or (3) preempts State law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

#### **List of Subjects in 49 CFR Part 193**

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

Accordingly, we are proposing the following amendments to 49 CFR part 193:

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

**Authority:** 49 U.S.C. 5103, 60102, 60103, 60111, 60118 and 49 CFR 1.53.

2. Revise § 193.2005(a) to read as follows:

#### **§ 193.2005 Applicability.**

(a) Standards in this part governing siting, design, installation, or construction of LNG facilities do not apply to LNG facilities existing or under construction before the date such standards take effect under this part.

\* \* \* \* \*

3. Add § 193.2017(c) to read as follows:

#### **§ 193.2017 Plans and procedures.**

\* \* \* \* \*

(c) Each operator must review and update the plans and procedures required by this part at intervals not exceeding 15 months, but at least once each calendar year.

4. Remove the parenthetical expression "(1996 edition)" from § 193.2019(a).

5. Amend § 193.2503 as follows:

a. In paragraph (e), remove the semicolon and add a period in its place;

b. In paragraph (g), remove the semicolon and the word "and" and add a period in the place of the removed semicolon; and

c. Remove paragraph (h).

6. Revise the first sentence of § 193.2507 to read as follow:

#### **§ 193.2507 Monitoring operations.**

Each component in operation or building in which a hazard to persons or property could exist must be monitored to detect fire or any malfunction or flammable fluid that could cause a hazardous condition.

\* \* \*

7. Revise the first sentence of § 193.2509(b) introductory text to read as follows:

#### **§ 193.2509 Emergency procedures.**

\* \* \* \* \*

(b) To adequately handle each type of emergency identified under paragraph (a) of this section and each fire emergency, each operator shall follow one or more manuals of written procedures. \* \* \*

\* \* \* \* \*

8. Revise § 193.2605(b)(2) to read as follows:

#### **§ 193.2605 Maintenance procedures.**

\* \* \* \* \*

(b) \* \* \*

(2) A description of other actions necessary to maintain the LNG plant in accordance with the requirements of this subpart.

\* \* \* \* \*

9. Revise § 193.2705(b) to read as follows:

#### **§ 193.2705 Construction, installation, inspection, and testing.**

\* \* \* \* \*

(b) Each operator must periodically determine whether inspectors performing construction, installation, and testing duties required by this part are satisfactorily performing their assigned functions.

10. In § 193.2717, revise paragraph (a) and add paragraph (c) to read as follows:

#### **§ 193.2717 Training: fire protection.**

(a) All personnel involved in maintenance and operations of an LNG plant, including their immediate supervisors, must be trained in accordance with a written plan of initial instruction, including plant fire drills, to:

(1) Know the potential causes and areas of fire;

(2) Know the types, sizes, and predictable consequences of fire; and

(3) Know and be able to perform their assigned fire control duties according to the procedures established under § 193.2509 and by proper use of equipment provided under § 193.2801.

\* \* \* \* \*

(c) Plant fire drills must include—

(1) Evacuation of buildings; and

(2) Personnel performing fire control duties.

11. In section II. E. 1. of Appendix A to Part 193, remove the parenthetical expression "(1996 edition)" and add the parenthetical expression "(2001 edition)" in its place.

Issued in Washington, DC on April 25, 2003.

**Stacey Gerard,**

*Associate Administrator for Pipeline Safety.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[ID 042403A]

RIN 0648-A010

### **Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Skate Fisheries; Northeast Skate Fishery Management Plan**

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

**ACTION:** Notice of availability of a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the New England Fishery Management Council (Council) has submitted the Northeast Skate Fishery Management Plan (FMP) for Secretarial review and is requesting comments from the public. The FMP would establish a management program and fishing effort controls for

the skate fisheries in the Northeast (NE). The goal of the management program is to rebuild overfished skate resources (thorny and barndoor skates) and prevent overfishing of all seven skate resources.

**DATES:** Comments must be received on or before June 30, 2003.

**ADDRESSES:** Comments on the FMP should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Northeast Skate FMP." Comments may also be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

Copies of the FMP, the Final Environmental Impact Statement (FEIS), Regulatory Impact Review (RIR), and the Initial Regulatory Flexibility Analysis (IRFA) are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Michael Pentony, Senior Fishery Policy Analyst, 978-281-9283, fax 978-281-9135.

**SUPPLEMENTARY INFORMATION:** The purpose of the FMP is to initiate management of the fisheries for the species in the NE skate complex (barndoor, clearnose, little, rosette, smooth, thorny, and winter skates) in Federal waters of the northeastern United States, pursuant to the Magnuson-Stevens Fishery

Conservation and Management Act (Magnuson-Stevens Act). The FMP was developed by the Council in response to concerns that the continued development of and increased landings in the skate fisheries required implementation of management measures to prevent overfishing and to allow for the collection of catch information on the status of the stocks. Because two species of skates (barndoor and thorny skates) are considered overfished, this FMP is necessary to comply with the requirements of the Magnuson-Stevens Act to end overfishing and rebuild these species.

Skates are harvested in two very different fisheries, one for lobster bait and one for wings for human consumption. The fishery for lobster bait is a more traditional and directed skate fishery, involving vessels, primarily from ports in southern New England, that target a combination of little skates (estimated to be >90 percent of landings) and, to a much lesser extent, juvenile winter skates (<10 percent of landings). The catch of juvenile winter skates mixed with little skates is very difficult to differentiate, due to their nearly identical appearance. The fishery for skate wings evolved in the 1990s, as skates were promoted as an underutilized species and fishermen shifted effort from groundfish and other troubled fisheries to skates and dogfish. The wing fishery is a more incidental fishery that involves a larger number of vessels located throughout the region. Vessels tend to catch skates when targeting other species, such as groundfish and monkfish, and land

them if the price is sufficient to offset the labor costs associated with cutting the wings.

The need to rebuild the overfished barndoor and thorny skate resources and prevent overfishing on the other five species are the primary problems needing management attention. Rebuilding overfished species is of particular concern because skates are relatively slow-growing, late-maturing species that produce few young, making them particularly vulnerable to overfishing.

A proposed rule that would implement the FMP will be published in the **Federal Register** for public comment, following NMFS' evaluation of the proposed rule under the procedures of the Magnuson-Stevens Act. Public comments on the proposed rule must be received by the end of the comment period on the FMP to be considered in the approval/disapproval decision on the FMP. All comments received by June 30, 2003, whether specifically directed to the FMP or the proposed rule, will be considered in the approval/disapproval decision on the FMP. Any comments on the proposed rule received after that date will not be considered in the decision to approve or disapprove the FMP.

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

Dated: April 25, 2003.

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