

consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

**VII. Congressional Review Act**

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 5, 2016.

**Daniel J. Rosenblatt**,  
*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.568, add alphabetically the commodities “Soybean forage” and “Soybean hay” to the table in paragraph (a) to read as follows:

**§ 180.568 Flumioxazin; tolerance for residues.**

(a) \* \* \*

Commodity	Parts per million
* * * * *	
Soybean forage .....	0.03
Soybean hay .....	0.02
* * * * *	

\* \* \* \* \*  
[FR Doc. 2016–19553 Filed 8–15–16; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**49 CFR Parts 192 and 195**

[Docket No. PHMSA–2016–0075]

**Pipeline Safety: Clarification of Terms Relating to Pipeline Operational Status**

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

**ACTION:** Issuance of Advisory Bulletin.

**SUMMARY:** PHMSA is issuing this advisory bulletin to all owners and operators (operators) of hazardous liquid, carbon dioxide, and gas pipelines, as defined in 49 Code of Federal Regulations Parts 192 and 195, to clarify the regulatory requirements that may vary depending on the operational status of a pipeline. Further, this advisory bulletin identifies regulatory requirements operators must follow for the abandonment of pipelines. Pipeline owners and operators should verify their operations and procedures align with the regulatory intent of defined terms as described under this bulletin. Congress recognized the need for this clarification in its Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016.

**DATES:** August 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Daugherty at 816–329–3800 or by email to [Linda.Daugherty@dot.gov](mailto:Linda.Daugherty@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On March 17, 2014, a hazardous liquid pipeline company was notified by emergency responders of crude oil leaking up from below the pavement in a residential area in Wilmington, California. The leak was close to a refinery. The company initially informed the regulator that it had no active lines in the area but responded anyway.

On March 18, 2014, the company excavated the area surrounding the leaking oil and learned that the leak originated from a pipeline that it owned. The pipeline had been purchased 16 years ago and the company understood that the previous operator had properly abandoned and purged the pipeline prior to purchase. Regulators determined the pipeline leaked due to an internal “pinhole” corrosion leak on a weld.

Subsequent investigations determined that while the pipeline was not in

operation, its valves were positioned to prevent flow but the pipeline had never been purged and cleaned. Some regulators and industry representatives informally referred to such pipelines as “idled.”

On May 31, 2015, a 24-inch natural gas “auxiliary” pipeline crossing the Arkansas River in North Little Rock, Arkansas, failed due to vortex-induced vibration after high water levels eroded the ground cover and exposed the pipeline to the river’s flow. The failure released 3,858 cubic feet of natural gas into the atmosphere and resulted in the temporary closure of the Arkansas River to vessel traffic for five days. The pipeline at the time of the failure was isolated by two mainline valves, at an approximate pressure of 700 pounds per square inch (psig). The pipeline, considered an emergency back-up pipeline crossing the river, has not been fully operated since 1972. However, the company did maintain the pipeline as an active pipeline, subject to in-line inspection, cathodic protection, and other maintenance requirements.

On October 28, 2015, Cypress, California, city public works employees identified an oil-water mixture on a local road. Approximately 28 barrels of oil-water mixture was determined to have leaked from an oil pipeline that was believed to have been purged of oil prior to deactivation in 1997. The owner of the pipeline had purchased it from another company just prior to the failure.

Congress recognized the need for PHMSA to provide clarification of operational terms and ensure all operators are aware of and abide by the regulatory requirements for properly abandoning pipelines. In its “Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016,” Congress required PHMSA to issue an advisory bulletin to owners and operators of gas or hazardous liquid pipeline facilities and Federal and State pipeline safety personnel regarding procedures required to change the status of a pipeline facility from active to abandoned, including specific guidance on the terms recognized by the Secretary for each pipeline status referred to in such advisory bulletin.

PHMSA regulations do not recognize an “idle” status for hazardous liquid or gas pipelines. The regulations consider pipelines to be either active and fully subject to all relevant parts of the safety regulations or abandoned. The process and requirements for pipeline abandonment are captured in §§ 192.727 and 195.402(c)(10) for gas and hazardous liquid pipelines, respectively. These requirements

include purging all combustibles and sealing any facilities left in place. The last owner or operator of abandoned offshore facilities and abandoned onshore facilities that cross over, under, or through commercially navigable waterways must file a report with PHMSA. PHMSA regulations define the term "abandoned" to mean permanently removed from service (§ 192.3).

A 1998 report by the Research and Special Programs Administration (RSPA), a predecessor agency to PHMSA, titled: "Analysis of Pipeline Burial Surveys in the Gulf of Mexico," stated: "Abandonment involves the permanent and, for all practical purposes, irreversible process of discontinuing the use of a pipeline. The physical asset is abandoned in the truest sense of the word; no future use or value is attributed to it, and no attempts are made to maintain serviceability. Pipeline systems or segments that are not abandoned, but only idled, decommissioned, or mothballed, are considered to have the potential for reuse at some point in the future. The maintenance and inspection to be performed in these cases is a function of the probability of reuse, the cost and difficulty of remediation which may be required, and the potential impact of the in-place and idled facility on human safety and the environment."

PHMSA is aware that some pipelines may have been abandoned prior to the effective date of the abandonment regulations. Companies may not have access to records relating to where these pipelines are located or whether they were properly purged of combustibles and sealed. Owners and operators have a responsibility to assure facilities for which they are responsible or last owned do not present a hazard to people, property or the environment.

In the case study from Wilmington, California, provided above, the pipeline company was aware of the pipeline and believed it to have been properly abandoned by the previous owner/operator. The pipeline company was cited and fined by a State regulator because it did not properly maintain the active line or, alternatively, properly abandon the pipeline facility.

Pipelines not currently in operation but that may be used in the future are sometimes informally referred to as "idled," "inactive," or "decommissioned." These pipelines may be shut down and still contain hazardous liquids or gas. Usually, the mainline valves on these pipelines are closed, isolating them from other pipeline segments. Frequently, blind flanges or welded end caps are used for further isolation. Some pipelines do not

operate for short periods of time such as weeks or months. Other pipelines do not operate for years. If a pipeline is not properly abandoned and may be used for the future for transportation of hazardous liquid or gas, PHMSA regulations consider it an active pipeline. Owners and operators of pipelines that are not operating but contain hazardous liquids and gas must comply with all relevant safety requirements, including periodic maintenance, integrity management assessments, damage prevention programs, and public awareness programs.

PHMSA is aware that some owners and operators may properly purge a pipeline of combustibles without abandonment because of an expectation to later continue using the pipeline in hazardous materials transportation. A purged pipeline presents different risks, and different regulatory treatment may be appropriate. Degradation of such a pipeline can occur, but it is not likely to result in significant safety impacts to people, property, or the environment. PHMSA will accept deferral of certain activities for purged but active pipelines. These deferred activities might include actions impractical on most purged pipelines such as in-line inspection. PHMSA is considering proposing procedures in a future rulemaking that would address methods owners or operators could use to notify regulators of purged but active pipelines. In the interim, owners or operators planning to defer certain activities for purged pipelines should coordinate the deferral in advance with regulators. All deferred activities must be completed prior to, or as part, of any later return-to-service. Pipeline owners and operators are fully responsible for the safety of their pipeline facilities at all times and during all operational statuses.

## II. Advisory Bulletin (ADB-2016-05)

*To:* Owners and Operators of Hazardous Liquid, Carbon Dioxide and Gas Pipelines.

*Subject:* Clarification of Terms Relating to Pipeline Operational Status.

*Advisory:* PHMSA regulations do not recognize an "idle" status for a hazardous liquid or gas pipelines. The regulations consider pipelines to be either active and fully subject to all parts of the safety regulations or abandoned. The process and requirements for pipeline abandonment are captured in §§ 192.727 and 195.402(c)(10) for gas and hazardous liquid pipelines, respectively. Pipelines abandoned after the effective date of the regulations must comply with

requirements to purge all combustibles and seal any facilities left in place. The last owner or operator of abandoned offshore facilities and abandoned onshore facilities that cross over, under, or through commercially navigable waterways must file a report with PHMSA. PHMSA regulations define the term "abandoned" to mean permanently removed from service.

Companies that own pipelines abandoned prior to the effective date of the abandonment regulations may not have access to records relating to where these pipelines are located or whether they were properly purged of combustibles and sealed. To the extent feasible, owners and operators have a responsibility to assure facilities for which they are responsible or last owned do not present a hazard to people, property or the environment.

Pipelines not currently in operation are sometimes informally referred to as "idled," "inactive," or "decommissioned." These pipelines may be shut down and still contain hazardous liquids or gas. Usually, the mainline valves on these pipelines are closed, isolating them from other pipeline segments. If a pipeline is not properly abandoned and may be used in the future for transportation of hazardous liquid or gas, PHMSA regulations consider it as an active pipeline. Owners and operators of pipelines that are not operating but contain hazardous liquids and gas must comply with all applicable safety requirements, including periodic maintenance, integrity management assessments, damage prevention programs, response planning, and public awareness programs.

PHMSA is aware that some owners and operators may properly purge a pipeline of combustibles with the expectation to later use that pipeline in hazardous materials transportation. A purged pipeline presents different risks, and therefore different regulatory treatment may be appropriate. Degradation of such a pipeline can occur, but is not likely to result in significant safety impacts to people, property, or the environment. PHMSA will accept deferral of certain activities for purged but active pipelines. These deferred activities might include actions impractical on most purged pipelines, such as in-line inspection. PHMSA is considering proposing procedures in a future rulemaking that would address methods owners or operators could use to notify regulators of purged but active pipelines. In the interim, owners or operators planning to defer certain activities for purged pipelines should coordinate the deferral in advance with

regulators. All deferred activities must be completed prior to, or as part of, any later return-to-service. Pipeline owners and operators are fully responsible for the safety of their pipeline facilities at all times and during all operational statuses.

Issued in Washington, DC, on August 11, 2016, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Acting Associate Administrator for Pipeline Safety.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS-HQ-MB-2015-0034; FF09M21200-167-FXMB1231099BPP0]

RIN 1018-BA70

Migratory Bird Hunting; Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a final rule in the Federal Register on July 25, 2016, that prescribes the hunting seasons, hours, areas, and daily bag and possession limits for migratory game birds during the 2016-17 season. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. In that final rule, we

identified several errors concerning season dates, and bag and possession limits, for certain States, as well as a number of formatting and other errors in tables and table notes. With this document, we correct those errors.

DATES: This correction is effective August 16, 2016.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358-1714.

SUPPLEMENTARY INFORMATION: In a final rule published in the Federal Register on July 25, 2016, at 81 FR 48648, the following corrections are made:

■ 1. On page 48652, § 20.103(a) is amended by revising the entry for Pennsylvania under the heading EASTERN MANAGEMENT UNIT in the table to read as follows:

§ 20.103 Seasons, limits, and shooting hours for doves and pigeons.

\* \* \* \* \*  
(a) \* \* \*

	Season dates	Limits	
		Bag	Possession
<b>EASTERN MANAGEMENT UNIT</b>			
<i>Pennsylvania</i>			
12 noon to sunset .....	Sept. 1-Sept. 24 .....	15	45
1/2 hour before sunrise to sunset .....	Sept. 26-Oct. 8 & .....	15	45
	Oct. 15-Nov. 26 & .....	15	45
	Dec. 26-Jan. 3 .....	15	45

\* \* \* \* \*

■ 2. On page 48656, § 20.104 is amended by revising table note (14) to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and snipe.

\* \* \* \* \*

(14) In Iowa, the limits for sora and Virginia rails are 12 daily and 36 in possession.

\* \* \* \* \*

■ 3. Section 20.105 is amended as follows:

■ a. On page 48657, in paragraph (c), by revising the entry for Iowa under the

heading MISSISSIPPI FLYWAY in the table;

■ b. On page 48659, in paragraph (d), by revising table note (11);

■ c. In paragraph (e):

■ i. On pages 48660 through 48665, under the heading ATLANTIC FLYWAY, by revising the entries for Georgia, Maine, New Jersey, and Rhode Island in the table; by adding an entry for South Carolina in the table; and by revising table note (14);

■ ii. On pages 48668 through 48670, under the heading MISSISSIPPI FLYWAY, by revising the entries for Minnesota and Tennessee in the table, and by removing and reserving table note (6); and

■ iii. On page 48670, under the heading CENTRAL FLYWAY, in the introductory text under the heading "Duck Limits", by removing the words "1 mottled duck,"; and

■ d. In paragraph (f), in the table:

■ i. On page 48678, under the heading MISSISSIPPI FLYWAY, by revising the entry for Iowa; and

■ ii. On page 48679, under the heading CENTRAL FLYWAY, by revising the entry for Kansas.

The revisions read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

\* \* \* \* \*  
(c) \* \* \*

	Season dates	Limits	
		Bag	Possession
<i>MISSISSIPPI FLYWAY</i>			
<i>Iowa</i> (3):			
North Zone .....	Sept. 3-Sept. 11 .....	6	18