

establish, for example, whether it was a meteor or a missile that breached a gas line. Thus, regardless of the reason, in an emergency due to a sudden unanticipated loss of gas or capacity, when immediate action is required for the protection of life or health or for maintenance of physical property, the new emergency blanket regulations will apply.

#### Information Collection Statement

62. The Office of Management and Budget (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rule.<sup>24</sup> This rule will not impact information collection. Accordingly, there is no cause to submit this rule to OMB for review under section 3507(d) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d).

#### Environmental Analysis

63. The Commission is required to prepare an EA or EIS for any action that may have a significant adverse effect on the human environment.<sup>25</sup> The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.<sup>26</sup> The actions herein fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering, analysis, and dissemination, and for sales, exchange, and transportation of natural gas that requires no construction of facilities.<sup>27</sup> Therefore, an environmental assessment is unnecessary and has not been prepared in this rulemaking.

#### Regulatory Flexibility Act [Analysis or Certification]

64. The Regulatory Flexibility Act of 1980 (RFA)<sup>28</sup> requires agencies to prepare certain statements, descriptions, and analyses of proposed rules that will have significant economic impact on a substantial number of small entities. Agencies are not required to make such an analysis if a rule would not have such an effect. The Commission does not believe that this rule would have such an effect on small business entities, since the amendments to our regulations apply only to interstate pipelines, most of which are not small

businesses. Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that this rule will not have a significant adverse impact on a substantial number of small entities.

#### Document Availability

65. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

66. From FERC's Home Page on the Internet, this information is available in the Federal Energy Regulatory Records Information System (FERRIS). The full text of this document is available on FERRIS in PDF and WordPerfect format for viewing, printing, and/or downloading. To access this document in FERRIS, type the docket number excluding the last three digits of this document in the docket number field.

67. User assistance is available for FERRIS and the FERC Web site during normal business hours by contacting FERC Online Support by e-mail at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or by telephone at 866-208-3676 (toll free) or TTY at 202-502-8659.

#### Effective Date and Congressional Notification

68. These regulations are effective July 14, 2003.

69. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

#### List of Subjects

##### 18 CFR Part 153

Exports, Imports, Natural gas, Reporting and recordkeeping requirements.

##### 18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

##### 18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

By the Commission.

**Magalie R. Salas,**  
*Secretary.*

■ In consideration of the foregoing, the Commission amends parts 153, 157, and 375 of Chapter I, Title 18, *Code of Federal Regulations*, as follows.

#### PART 153—APPLICATIONS FOR AUTHORIZATION TO CONSTRUCT, OPERATE OR MODIFY FACILITIES USED FOR THE EXPORT OR IMPORT OF NATURAL GAS

■ 1. The authority citation for part 153 continues to read as follows:

**Authority:** 15 U.S.C. 717b, 717o; E.O. 10485, 3 CFR, 1949–1953 Comp., p. 970, as amended by E.O. 12038, 3 CFR, 1978 Comp., p. 136, DOE Delegation Order No. 0204–112, 49 FR 6684 (February 22, 1984).

■ 2. Section 153.13 is added, to read as follows:

##### § 153.13 Emergency reconstruction.

The provisions of subpart F of part 157 of this chapter that permit reconstruction for the purpose of immediately restoring interrupted service for the protection of life or health or for maintenance of physical property in an emergency due to a sudden unanticipated loss of gas supply or capacity are applicable to facilities subject to section 3 of the Natural Gas Act.

#### PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

■ 1. The authority citation for part 157 continues to read as follows:

**Authority:** 15 U.S.C. 717–717W, 3301–3432; 42 U.S.C. 7101–7352.

■ 2. In § 157.202, the last sentence in paragraph (b)(2)(i) and paragraph (b)(2)(ii)(C) are revised, and a new paragraph (b)(13) is added, to read as follows:

##### § 157.202 Definitions.

\* \* \* \* \*

(b) *Subpart F definitions.* \* \* \*  
(2)(i) \* \* \* Replacements for the primary purpose of creating additional main line capacity are not eligible facilities; however, replacements and the modification of facilities to rearrange gas flows or increase compression for the primary purpose of restoring service in an emergency due to sudden unforeseen damage to main line facilities are eligible facilities.

(ii) *Exclusions:* \* \* \*

<sup>24</sup> 5 CFR part 1320 (2002).

<sup>25</sup> Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Regulations Preambles 1986–1990 ¶ 30,783 (1987).

<sup>26</sup> 18 CFR 380.4 (2002).

<sup>27</sup> See 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), 380.4(a)(27)(2002).

<sup>28</sup> 5 U.S.C. 601–612.