

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 171 and 172**

[Docket No. RSPA-99-6212 (HM-189P)]

RIN 2137-AD38

Hazardous Materials Regulations: Editorial Corrections and Clarifications; Correction**AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Correcting amendments.

SUMMARY: This document contains corrections to the final rule [RSPA-99-6212 (HM-189P)], which was published in the **Federal Register** on Monday, September 27, 1999. That final rule amended the Hazardous Materials Regulations (HMR) to correct editorial errors, make minor regulatory changes and, in response to requests for clarification, improve the clarity of certain provisions in the HMR.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Michael G. Stevens, Office of Hazardous Materials Standards, (202) 366-8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:**Background**

On September 27, 1999, RSPA published a final rule under Docket HM-189P (64 FR 51912) to correct editorial errors, make minor regulatory changes and, in response to request for clarification, improve the clarity of certain provisions in the HMR. This amendment makes minor corrections to the September 27 final rule, which was effective October 1, 1999.

Because the amendments do not impose new requirements, notice and public procedure are unnecessary. The following is a summarization of the corrections made under this final rule.

Summary of Changes*Part 171*

Section 171.6

In paragraph (b)(2), in the table of OMB control numbers, two subsection references in the third column are revised to correct a printing error.

Part 172

Section 172.101

In the entry "Organic peroxide type C, liquid," UN3103, in column (1), the

letter "G" was omitted inadvertently. The letter "G" in column (1) of the Hazardous Materials Table identifies proper shipping names for which one or more technical names of the hazardous material must be entered in parentheses in association with the basic description. This change was recently adopted in a final rule published March 5, 1999 (Docket HM-215C; 64 FR 10742).

In the entry "Dichlorofluoromethane or refrigerant gas R21", the word "refrigerant" is corrected to read "Refrigerant".

In the entry "Sulfur", 4.1 UN1350, in column (6), the "9" label code is corrected to read "4.1". This revision aligns the label entry with the corresponding hazard class of the material.

Regulatory Analyses and Notices*A. Executive Order 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. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

B. Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"). Federal hazardous material transportation law, (49 U.S.C. 5101-5127) contains express preemption provisions at 49 U.S.C. 5125.

RSPA is not aware of any State, local, or Indian tribe requirements that would be preempted by correcting editorial errors and making minor regulatory changes. This final rule does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

C. Executive Order 13084

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this rule would not significantly or uniquely affect the communities of the Indian tribal governments, the funding and consultation requirements of this Executive Order do not apply.

D. Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor editorial changes which will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses or other organizations.

E. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

F. Impact on Business Processes and Computer Systems (Year 2000)

Many computers that use two digits to keep track of dates may, on January 1, 2000, recognize "double zero" not as 2000 but as 1900. The Year 2000 problem could cause computers to stop running or to start generating erroneous data. The Year 2000 problem poses a threat to the global economy in which Americans live and work. With the help of the President's Council on Year 2000 conversion, Federal agencies are reaching out to increase awareness of the problem and to offer support. We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to the Year 2000 problem.

This final rule does not impose business process changes or require modification to computer systems. Because the final rule does not affect organizations' ability to respond to the Year 2000 problem, we do not intend to delay the effectiveness of the requirements in the final rule.

G. Paperwork Reduction Act

There are no new information collection requirements in this final rule.

H. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used

to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

Accordingly, 49 CFR parts 171 and 172 are corrected by making the following correcting amendments:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 171.6 [Corrected]

2. In § 171.6, in the paragraph (b)(2) table, for the entry “2137–0557,” in column 3 under “Title 49 CFR part or section where identified and described”, “173.124(a)(1)(iii)(b), (a)(2)(iii)(d)” is removed and “173.124(a)(1)(iii)(B), (a)(2)(iii)(D)” is added in its place.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

3. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 172.101 [Corrected]

4. In § 172.101, in the Hazardous Materials Table, the following amendments are made:

a. In Column (1), for the entry “Organic peroxide type C, liquid, 5.2, UN3103”, the letter “G” is added.

b. In column (2), the entry “Dichlorofluoromethane or refrigerant gas R21” is amended by revising the

word “refrigerant” to read “Refrigerant”.

c. In Column (6), for the entry “Sulfur, 4.1, UN1350”, the label code “9” is removed and “4.1” is added in its place.

Issued in Washington, DC, on November 2, 1999, under authority delegated in 49 CFR part 1.

Stephen D. Van Beek,

Deputy Administrator.

[FR Doc. 99–29141 Filed 11–9–99; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 990318076–9109–02; I.D. 110499A]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest

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

ACTION: Increase of haddock landing limit.

SUMMARY: NMFS announces that less than 75 percent of the haddock target total allowable catch (TAC) will be harvested (4,218.5 mt) for the 1999 fishing year under the present landing limit. Therefore, the Regional Administrator, Northeast Region, NMFS (Regional Administrator) is increasing the landing limit. As of 0001 hours November 5, 1999, vessels fishing under a multispecies day-at-sea (DAS) may land up to 5,000 lb (2,268 kg) per DAS, 50,000 lb (22,680 kg) per trip maximum, for any DAS utilized on or after November 5, 1999. This action provides the industry with the opportunity to harvest at least 75 percent of the target TAC for the 1999 fishing year.

DATES: Effective from 0001 hours, November 5, 1999, through 2400 hours, April 30, 2000.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978–281–9273.

SUPPLEMENTARY INFORMATION: Regulations implementing the haddock

trip limit in Framework Adjustment 27 (64 FR 24066, May 5, 1999) became effective May 1, 1999. To ensure that haddock landings remain within the target TAC of 5,600 mt established for the 1999 fishing year, Framework 27 established an initial landing limit of 2,000 lb (907.2 kg) per day and 20,000 lb (9,071.8 kg) per trip maximum. Framework 27 also provided a mechanism to increase or decrease the haddock trip limit based upon the percentage of TAC which is projected to be harvested. Section 648.86(a)(1)(iii) specifies that if the Regional Administrator has projected that less than 75 percent of the haddock target TAC (4,218.5 mt) will be harvested for the 1999 fishing year the landing limit may be increased. Further, this section stipulates that NMFS will publish a notification in the **Federal Register** informing the public of the date of any increase or decrease.

Based on the available information, the Regional Administrator has projected that less than 4,218.5 mt of haddock will be harvested by April 30, 2000, under the existing landing limit. The Regional Administrator has determined that increasing the haddock landing limit to 5,000 lb (2,268 kg) per DAS, 50,000 lb (22,680 kg) per trip maximum, is justified because it provides the industry with the opportunity to harvest at least 75 percent of the target TAC for the 1999 fishing year. Therefore, the Regional Administrator, under § 648.86(a)(1)(iii), has increased the haddock landing limit to 5,000 lb (2,268 kg) per DAS, 50,000 lb (22,680 kg) per trip maximum, for DAS used on or after 0001 hours, November 5, 1999, through 2400 hours, April 30, 2000.

Classification

This action is required by 50 CFR Part 648 and is exempt from review under E.O. 12286.

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

Dated: November 4, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–29389 Filed 11–4–99; 4:59 pm]

BILLING CODE 3510–22–F