

**APPENDIX C—WTW INTERIM FINAL RULE: STATUTORY REFERENCE TABLE FOR THE WELFARE-TO-WORK DATA REPORT—
SECTION ONE—Continued**

[Disaggregated Data Collection for Families and Individuals Participating in the Welfare-to-Work Grant Program]

Data elements	Justification
18. Post-Employment Services	Section 411(a)(1)(A)(xviii) (I) and (II) requires that States report the total amount expended during the month for each participant for each activity specified in section 403(a)(5)(C)(i).
19. Job Retention Services	Section 411(a)(1)(A)(xviii) (I) and (II) requires that States report the total amount expended during the month for each participant for each activity specified in section 403(a)(5)(C)(i).
20. Supportive Services	Section 411(a)(1)(A)(xviii) (I) and (II) requires that States report the total amount expended during the month for each participant for each activity specified in section 403(a)(5)(C)(i).
21. Reason for Termination of Participation in WtW Activity.	Section 411(a)(1)(A)(xviii)(IV).

STATUTORY REFERENCE TABLE FOR THE WELFARE-TO-WORK DATA REPORT—SECTION TWO

[Aggregated data collection for families and individuals participating in the Welfare-to-Work Grant Program]

Data elements	Justification
1. State FIPS Code	Implicit in administering data collection system.
2. Tribal Code	Implicit in administering data collection system.
3. Calendar Quarter	Implicit in administering data collection system.
4. Total Number of Families	Section 411(a)(6).
5. Total Number of Participants	Section 411(a)(6).
6. Total Number of Non-Custodial Parents	Section 411(a)(4).
7. Total Number of Families Terminated	Section 411(a)(6).
8. Total Number of Participants Terminated	Section 411(a)(6).
9. Total Number of Non-custodial Parents Terminated.	Section 411(a)(4).
10. Total Expenditures	Section 411(a)(3).
11. Administrative Cost	Section 411(a)(2).

[FR Doc. 98-28840 Filed 10-28-98; 8:45 am]

BILLING CODE 4184-01-P

DEPARTMENT OF TRANSPORTATION

**Research and Special Programs
Administration**

49 CFR Part 171

[Docket No. RSPA-98-4185 (HM-215C)]

RIN 2137-AD15

**Harmonization with the United Nations
Recommendations, International
Maritime Dangerous Goods Code, and
International Civil Aviation
Organization's Technical Instructions**

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

ACTION: Final rule.

SUMMARY: This final rule amends a requirement for the use of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) and updates references in the Hazardous Materials Regulations (HMR) to include the most recent amendments to the International Maritime Dangerous Goods Code (IMDG Code) and the ICAO Technical

Instructions. These amendments are necessary to facilitate the continued transport of hazardous materials in international commerce by vessel and aircraft at the time these international regulations become effective.

DATES: *Effective date:* January 1, 1999.

Compliance date: Compliance with the regulation as amended in § 171.11(d)(4)(ii) is authorized immediately.

Incorporation by reference: The incorporation by reference of the publications listed in these amendments has been approved by the Director of the Federal Register effective January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Bob Richard, Assistant International Standards Coordinator, telephone (202) 366-0656, or Joan McIntyre, Office of Hazardous Materials Standards, telephone (202) 366-8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590-0001.

SUPPLEMENTARY INFORMATION: On August 18, 1998, RSPA published a notice of proposed rulemaking (NPRM) under Docket HM-215C (63 FR 44312) which proposed changes to more fully align the HMR with the international regulations. Among the changes, RSPA proposed to amend the HMR to

incorporate by reference the 1999-2000 ICAO Technical Instructions and Amendment 29 to the IMDG Code, and to make a shipping paper requirement notation permissive. RSPA received no adverse comments to these proposals. Therefore, these changes are adopted in this final rule.

Section 171.11 of the HMR authorizes hazardous materials shipments to be prepared in accordance with the ICAO Technical Instructions and transported by aircraft, and by motor vehicle either before or after being transported by aircraft, subject to certain conditions and limitations. Similarly, § 171.12 of the HMR authorizes hazardous materials shipments to be prepared in accordance with the IMDG Code if all or part of the transportation is by vessel, subject to certain conditions and limitations. Use of the latest versions of the ICAO Technical Instructions and the IMDG Code become mandatory for international hazardous materials shipments on January 1, 1999.

This final rule also amends a shipping paper requirement for the use of the ICAO Technical Instructions. In § 171.11(d)(4), as adopted under Docket HM-215B (FR 62 24700), published May 6, 1997, the letters "ICAO" were required to be included on shipping papers when being transported in accordance with the ICAO Technical

Instructions. The effective date of this requirement was October 1, 1998. Several months after publication of the final rule, RSPA received numerous comments opposing the change as an unnecessary economic burden. In the NPRM, RSPA proposed to make the requirement permissive. RSPA is incorporating the change in this final rule to minimize disruption to persons transporting hazardous materials in accordance with the ICAO Technical Instructions.

All other changes proposed to the HMR, under Docket HM-215C, will be addressed in a subsequent final rule.

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 reviewed by the Office of Management and Budget. This rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

The costs and benefits associated with this final rule are considered to be so minimal as to not warrant preparation of a regulatory impact analysis or regulatory evaluation.

B. Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism"). Federal law expressly preempts State, local, and Indian tribe requirements applicable to the transportation of hazardous material that cover certain subjects and are not substantively the same as the Federal requirements. 49 U.S.C. 5125(b)(1). These subjects are:

- (i) the designation, description, and classification of hazardous material;
- (ii) the packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- (iii) the preparation, execution, and use of shipping documents pertaining to hazardous material and requirements respecting the number, content, and placement of those documents;
- (iv) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material; or
- (v) the design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold

as qualified for use in the transportation of hazardous material.

This final rule concerns the classification, packaging, marking, labeling, and handling of hazardous material, among other covered subjects.

This final rule would preempt any State, local, or Indian tribe requirements concerning these subjects unless the non-Federal requirements are "substantively the same" (see 49 CFR 107.202(d)) as the Federal requirements.

Federal law (49 U.S.C. 5125(b)(2)) provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the **Federal Register** the effective date of Federal preemption. That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption for these requirements will be October 1, 1999 under this docket. Thus, RSPA lacks discretion in this area, and preparation of a federalism assessment is not warranted.

C. Regulatory Flexibility Act

This final rule updates two incorporations by reference and relaxes one shipping paper requirement. The changes in this rule apply to offerors and carriers of hazardous materials and facilitate the transportation of hazardous materials in international commerce by providing consistency with international requirements. U.S. companies, including numerous small entities competing in foreign markets, will be relieved of the need to comply with a dual system of regulations. The costs and benefits associated with this final rule are considered to be so minimal as to not warrant preparation of a regulatory impact analysis or regulatory evaluation. Therefore, I certify that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule contains no new information collection burdens.

E. 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.

F. Unfunded Mandates Reform Act

This final 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.

List of Subjects in 49 CFR Part 171

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

In consideration of the foregoing, 49 CFR Chapter I is amended as follows:

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.

§ 171.7 [Amended]

2. In § 171.7, in the table in paragraph (a)(3), the following changes are made:

a. Under International Civil Aviation Organization (ICAO), for the entry Technical Instructions for the Safe Transport of Dangerous Goods by Air, the date "1997–1998 Edition" is revised to read "1999–2000 Edition".

b. Under International Maritime Organization (IMO), for the entry "International Maritime Dangerous Goods (IMDG) Code", the wording "Amendment 28 (1996)" is revised to read "Amendment 29 (1998)".

3. In § 171.11, paragraph (d)(4)(ii) is revised to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

* * * * *

(d) * * *

(4) * * *

(ii) The shipping paper may include an indication that the shipment is being made under the provisions of this section or the letters "ICAO."

* * * * *

Issued in Washington, D.C. on October 22, 1998, under authority delegated in 49 CFR part 1.

Kelley S. Coyner,
Administrator.

[FR Doc. 98-28874 Filed 10-28-98; 8:45 am]

BILLING CODE 4910-60-P