DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM-181; Amendment No. 171-111]

RIN 2137-AA01

Infectious Substances; Extension of Compliance Date

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

ACTION: Final rule; extension of compliance date.

SUMMARY: RSPA has received two petitions for reconsideration, and a number of comments concerning provisions for infectious substances adopted in a final rule. In this document, RSPA is extending a compliance date applicable to infectious substances from April 1, 1993, to January 1, 1994, in order to provide additional time to consider the issues. Elsewhere in today's **Federal Register**, RSPA has published an advance notice of proposed rulemaking and announced a public hearing concerning these issues.

EFFECTIVE DATE: This amendment is effective on March 3, 1993.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen Martin, or Ms. Jennifer Posten, Office of Hazardous Materials Standards, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590-0001, telephone: (202) 366-4488.

SUPPLEMENTARY INFORMATION: On December 21, 1990, RSPA issued a final rule under Docket HM–181 (55 FR 52402) which comprehensively revised the Hazardous Materials Regulations (HMR) with respect to hazard communication, classification, and packaging requirements. A document making editorial and substantive revisions to the December 1990 final rule was published on December 20, 1991 (56 FR 66124). The revisions contained in the latter document were primarily in response to over 250 petitions for reconsideration received on the December 21, 1990 final rule.

Following issuance of the December 1991 rule, RSPA received two additional petitions for reconsideration and numerous comments and requests for clarification concerning provisions of the final rule applicable to infectious substances and regulated medical waste. On October 1, 1992 (57 FR 45442), 49 CFR 171.14(b) was revised to establish a compliance date of April 1, 1993, rather than October 1, 1992, for new requirements applicable to infectious substances. Elsewhere in today's **Federal Register**, RSPA has published an advance notice of proposed rulemaking (ANPRM) and announced a public hearing concerning the need for additional regulatory changes pertaining to infectious substances. In order to provide time for evaluation of comments to the ANPRM and to develop additional rulemaking documents, if warranted, RSPA is revising 49 CFR 171.14 to extend the compliance date applicable to infectious substances from April 1, 1993, to January 1, 1994.

The reader should note that § 171.14 was revised on October 1, 1992 (57 FR 45442) by redesignating paragraphs (b)(3), (b)(4) and (b)(5) as paragraphs (b)(4), (b)(5) and (b)(6), respectively, and by adding a new paragraph (b)(3) which applied the April 1, 1993 compliance date to infectious substances. In this document, paragraph (b)(3) is removed to delete reference to the April 1, 1993 date and paragraphs b(5) and b(6) are redesignated as b(6) and b(7), respectively. A new paragraph b(5) is added to make the classification, hazard communication, and packaging requirements adopted under Docket HM–181 applicable to infectious substances effective January 1, 1994.

During the transition period provided in § 171.14, a person may comply with either the applicable "old" requirements of the HMR (i.e., those which were in effect on September 30, 1991) or the current requirements adopted under HM–181. If a material is an etiologic agent under the old regulations and does not meet any of the old exceptions, it must conform to either the old requirements (i.e., must be described, labeled and packaged as an "etiologic agent") or the current requirements of the HMR for "infectious substances". (Notice that Section 171.14(c)(3) provides for limited intermixing of old and new requirements). If a material meets the new "infectious substance" definition but not the old "etiologic agent" definition, it may be shipped in accordance with the new requirements, but compliance is not mandatory until January 1, 1994.

Because the amendments adopted herein extend the compliance date of certain regulations, and impose no new regulatory burden on any person, notice and public procedure are unnecessary. For these same reasons, these amendments are being made effective without the usual 30-day delay following publication.

Rulemaking Analyses and Notices

Executive Order 12291

This final rule has been reviewed under the criteria specified in section 1(b) of Executive Order 12291 and is determined not to be a major rule. Although the December 20, 1991 final rule was significant under the regulatory procedures of the Department of Transportation (44 FR 11034), this document is not significant because it does not impose additional requirements and has the effect of extending a compliance date. A regulatory evaluation for the December 20, 1991 final rule is available for review in the docket.

Executive Order 12612

This action has been analyzed in accordance with Executive Order 12612 on Federalism. It has no substantial direct effect on the States, the current Federal-State relationship, or the current distribution of power and responsibilities among levels of government. Therefore, no Federalism Assessment is required.

Regulatory Flexibility Act

Based on information concerning the size and nature of entities likely to be affected by this rule, I certify that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Paperwork Reduction Act

This amendment does not impose information collection or recordkeeping requirements.

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 part 171 is amended as set forth below:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

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

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1805, 1808, 1818; 49 CFR Part 1.

2. In Section 171.14, paragraph (b)(3) is removed and reserved, paragraphs (b)(5) and (b)(6) are redesignated as paragraphs (b)(6) and (b)(7), respectively, and a new paragraph (b)(5) is added to read as follows:

§ 171.14 Transitional provisions for implementing requirements based on the UN Recommendations.

* * * * *

(b) * * *

(3) (Reserved.

(4) * * *

(5) *January 1, 1994.* On January 1, 1994, all applicable regulatory requirements, including those pertaining to classification, (see § 173.134 of this subchapter), hazard communication, and packaging for Division 6.2 materials (infectious substances, including regulated medical waste) are effective.

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Issued in Washington, DC on February 26, 1993, under authority delegated in 49 CFR part 1.

Rose A. McMurray,

Acting Administrator.

[FR Doc. 93–4881 Filed 3–2–93; 8:45 am]

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