

response information requirements under Docket HM-126C.

RSPA has received petitions from Yellow Freight System, Inc., and the American Trucking Associations (ATA) requesting a further delay of the effective date for implementation of Docket HM-126C, to assure that all affected carriers will be afforded the necessary lead time to equip their vehicles with the latest edition of the DOT ERG. In their letter, the ATA stated:

This delay effectively prevented compliance with the regulations by September 17, 1990. For many carriers, a lead time of at least 90 days from the date of public availability will be needed to assure system-wide distribution of the ERG.

The ERG will be the method utilized by these carriers to comply with the regulations. In real-world applications, Less-than-Truckload (LTL) carriers have all but ruled out the use of individual Material Safety Data Sheets (MSDS) or printing the information on each shipping paper as methods of compliance with the final rule. In many cases, the decision to utilize the ERG was not one made merely by choice, but by shipper demand.

Due to the concerns of carriers regarding the availability of the Emergency Response Guidebook and their desire to comply with the final rule, ATA urges RSPA to delay the September 17, 1990, implementation date up to 90 days from the date of public availability of the ERG.

RSPA understands the petitioners' concerns and agrees with the necessity for a delay of the effective date of the final rule. Consequently, RSPA is extending the effective date of the final rule under Docket HM-126C from September 17, 1990 to December 31, 1990. Recently, the Government Printing Office (GPO) notified RSPA that copies of the 1990 ERG and printers negatives can now be purchased from the GPO. For information contact: Government Printing Office, Customer Service, Accounts Representative, North Capitol and H Streets, NW., Washington, DC 20401, Phone: 202-275-8099.

V. Review by Sections

RSPA is amending the October 1, 1989 edition of title 49, Code of Federal Regulations (49 CFR) as amended by the correction final rule published January 10, 1990 (55 FR 870) and republishing all post-October 1, 1989 changes for convenience of users. The following review by sections addresses the revisions resulting from petitions for reconsideration of the January 10, 1990 final rule, and contains several editorial corrections. For a complete review by sections, interested persons should refer to the preamble to Docket HM-126C as published on June 27, 1989 (54 FR 27138)

and January 10, 1990 (55 FR 870). Additionally, as an aid to the reader, the following section-by-section review of changes includes references to the appropriate page numbers in the June 27, 1989 and January 10, 1990 final rules affected herein. To facilitate better understanding of all the provisions, the requirements of the final rule entitled "Emergency Response Communication Standards" are republished in their entirety.

Section 172.203. In § 172.203, a correction is made to paragraph (k)(4)(i) to include the word "correctly" between the words "is" and "described," and the shipping name "ORM-E, nos.," which is an alternate name allowed for a material correctly described as "Hazardous substance, liquid or solid, n.o.s.". A revision is made in paragraph (k)(4)(ii) of this section to correct and clarify the exception to the technical name requirement for hazardous wastes. For consistency with the provisions in § 172.101(c)(12) for shipping samples, a new paragraph (k)(4)(iii) is added to provide an exception for inclusion of technical names for materials described by n.o.s. descriptions. Additionally, in § 172.203, paragraph (l) is removed and reserved. The provision specific to IM portable tanks requiring the addition of technical names on shipping papers for hazardous materials using n.o.s. descriptions is no longer necessary. These changes supplement those made to this section on page 55 FR 875 (January 10, 1990).

Section 172.301. In § 172.301, paragraph (d)(3) is revised to amend the dates for the exception to marking technical names of n.o.s. descriptions on non-bulk packages to correspond to the extended effective date (i.e., December 31, 1990 to December 31, 1991) of the final rule. These changes supplement those made to this section on page 55 FR 873 (January 10, 1990).

Section 172.505. In § 172.505, the phrase "shipping paper description" is revised for clarity to read "shipping paper requirements". These changes supplement those made to this section on page 55 FR 873 (January 10, 1990).

Section 172.600. In § 172.600, paragraph (c)(2) is revised to clarify that the general requirements for emergency response information include the emergency response telephone number. These changes supplement those made to this section on page 54 FR 27145 (June 27, 1989).

Section 172.604. In § 172.604, a revision is made to paragraph (a)(1) of this section to clarify that the 24-hour emergency response telephone number applies when the materials are in transportation and must be monitored at

all times the material is in transportation, including storage incidental to transportation. These changes supplement those made on page 54 FR 27146 (June 27, 1989).

Section 172.11. In § 176.11, a new paragraph (a)(3) is added to clarify that the requirements for the emergency response telephone number do not apply to the transportation of hazardous materials by vessel, which are shipped solely under IMDG Code requirements and which transit U.S. ports (not operating on a public highway) in the course of being shipped between places outside of the U.S.

VI. Administrative Notices

A. Paperwork Reduction Act

The changes and new requirements for information collection in §§ 172.201, 172.203, 172.602, and 172.604 have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-522) under OMB control numbers 2137-0034 and 2137-0580 (expiration date: June 30, 1992).

B. Executive Order 12291

The RSPA has determined that this final rule (1) does not meet the criteria specified in section 1(b) of Executive Order 12291 and is, therefore, not a major rule; (2) is not considered to be a "significant" rule under DOT Regulatory Policies and Procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require a Regulatory Impact Analysis or an Environmental Impact Statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The changes made in this final rule do not modify or affect the original regulatory evaluation, which is available for review in the Docket.

C. Executive Order 12612

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

D. Impact on Small Entities

Based on limited information concerning size and nature of entities likely affected by this final rule, I certify this regulation will not have a significant economic impact on a substantial number of small entities. The changes made to this final rule do not modify or affect the original regulatory