

## DEPARTMENT OF TRANSPORTATION

Research and Special Programs  
Administration

## 49 CFR Part 171

[Docket No. HM-181; Amendment No. 171-112]

RIN 2137-AA01

### Infectious Substances; Correction and Extension of Compliance Date

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

**ACTION:** Final rule; correction and extension of compliance date.

**SUMMARY:** RSPA is revising the transition period applicable to infectious substances, including regulated medical wastes, under a final rule published in the Federal Register on December 20, 1991 (56 FR 66124). The compliance date for classification and hazard communication requirements applicable to infectious substances is delayed from October 1, 1992, to April 1, 1993. The compliance date for packaging requirements for infectious substances, which was inadvertently omitted from the December 20, 1991 final rule, is extended in this document to April 1, 1993. The delay in the compliance date is necessary to provide additional time for RSPA to conclude its evaluation and respond to two petitions for reconsideration and a number of related comments and requests for clarification addressed to infectious substances, particularly regulated medical wastes. RSPA anticipates publication of its response in the near future.

**DATES:** These amendments are effective on October 1, 1992.

**FOR FURTHER INFORMATION CONTACT:** Ms. Eileen Martin, Office of Hazardous Materials Standards, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590-0001, telephone: (202) 368-4488.

**SUPPLEMENTARY INFORMATION:** On January 3, 1991, RSPA adopted a final rule under Docket HM-142A (56 FR 197) which: (1) Revised the definition of "etiologic agent," (2) removed the 50 milliliter (ml) exception from regulation for etiologic agents, and (3) clarified quantity limitations for etiologic agents transported aboard aircraft. 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 and incorporated the HM-142A provisions with minor changes. A document making editorial and substantive revisions to the December 1990 final rule was published on December 20, 1991 (56 FR 66124) under Docket HM-181. 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 petitions for reconsideration and numerous comments and requests for clarification concerning the provisions on infectious substances and regulated medical waste. RSPA is nearing completion of its evaluation of these petitions and comments which address a wide range of issues. RSPA anticipates publication of a document which responds to these petitions in the near future. However, that document will not be ready for publication prior to October 1, 1992, the date on which new requirements for infectious substances, including regulated medical wastes, would become mandatory. Therefore, in this document RSPA is extending the compliance date in 49 CFR 171.14(b), for classification and hazard communication requirements applicable to infectious substances, from October 1, 1992, to April 1, 1993.

RSPA is also correcting an error and extending the compliance date for packaging requirements for infectious substances, from October 1, 1992, to April 1, 1993. The January 3, 1991 rule had an effective date of February 18, 1991, which was extended to September 30, 1991 (56 FR 7312), and extended again to October 1, 1992 (56 FR 49830). Although the preamble language of the December 1991 final rule indicated an October 1, 1992 compliance date for new packaging requirements, this date was inadvertently omitted from the regulatory text of the final rule.

Because the amendments adopted herein correct a certain provision in the HMR, 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 is 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, has the effect of extending a compliance date, and is similar in effect to an extension of effective 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.

##### Regulation Identifier Number

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 numbers contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

##### 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 follows:

#### 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, 1809, 1815, 1818; 49 CFR Part 1.

2. In § 171.14, paragraph (b)(2) is revised; paragraphs (b)(3), (b)(4) and (b)(5) are redesignated as (b)(4), (b)(5)

and (b)(6), respectively; and a new paragraph (b)(3) is added to read as follows:

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

(b) . . .

(2) *October 1, 1992.* For materials poisonous by inhalation (see § 173.132 of

this subchapter), the hazard communication requirements of part 172 of this subchapter, including placarding requirements of subpart F of part 172, are effective on October 1, 1992.

(3) *April 1, 1993.* For Division 6.2 materials (infectious substances, including regulated medical wastes), all applicable regulatory requirements, including those pertaining to classification (see § 173.134 of this

subchapter), hazard communication, packaging, are effective on April 1, 1993.

Issued in Washington, DC on September 25, 1992, under authority delegated in 49 CFR part 1.

Douglas B. Ham,

Acting Administrator.

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