

These amendments are technical in nature and merely conform the regulations to the provisions of Pub. L. 100-710 and other MARAD regulations. There is good cause for finding that the notice and comment requirements of 5 U.S.C. 553 are not necessary and that the rule may become effective upon publication.

Subjects in 46 CFR Part 298

Banks, banking, loan programs—transportation, Maritime Administration, maritime carriers, mortgages, uniform system of accounts.

Accordingly, 46 CFR Part 298 is amended as follows:

1. The citation of authority is revised to read as follows:

Authority: Sec. 204(b) and 1109, Merchant Marine Act, 1938, as amended (46 App. U.S.C. 1244(b), 1279b); 49 CFR 1.66.

298.2 [Amended]

2. Section 298.2, Definitions, is amended as follows—

(a) Paragraph (m) is revised to read as follows—(m) "Mortgage" means a preferred mortgage on any Vessel documented under United States law.

(b), Paragraph (s) is revised to read as follows—(s) "Preferred Mortgage" means a Mortgage, whenever made, that—

(1) Includes the whole of a Vessel;

(2) Is filed in substantial compliance with 46 U.S.C. 31321;

(3) Covers a documented Vessel or a Vessel for which an application for documentation has been filed that is in substantial compliance with the requirements of 46 U.S.C. Ch. 121 and the regulations prescribed under that chapter by the United States Coast Guard; and

(4) Has as the mortgagee—

(i) A State;

(ii) The United States Government;

(iii) A Federally insured depository institution, unless disapproved by the Secretary for that vessel;

(iv) An individual who is a citizen of the United States;

(v) A person qualifying as a citizen of the United States pursuant to provision of 46 App. U.S.C. 802; or

(vi) A person approved by the Secretary pursuant to regulations at 46 CFR 221.43

298.31 [Amended]

3. Section 298.31(a) is amended by removing the last sentence, and inserting in lieu thereof the following: "The Preferred Mortgage shall be filed with the United States Coast Guard at the Vessel's home port and shall be delivered to the Secretary after being recorded."

298.32 [Amended]

4. Section 298.32(b)(4) is amended by deleting the citation to "the Ship Mortgage Act of 1920" and inserting in lieu thereof the citation to "46 U.S.C. 31301-31343".

By order of the Deputy Maritime Administrator.

Dated: April 6, 1989.

James E. Sarri,

Secretary, Maritime Administration.

[FR Doc. 89-8663 Filed 4-12-89; 8:45 am]

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Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-149F, Amdt. No 173-209]

Exceptions for Specified Quantities of Radioactive Materials

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

ACTION: Final rule.

SUMMARY: RSPA is renewing for two years the exceptions (statutory exemptions) for specified quantities of radioactive materials found in 49 CFR 173.4, 173.421-1 and 173.421-2. These amendments are necessary to permit the transportation by passenger-carrying aircraft of certain quantities of radioactive materials under existing provisions. Renewal of these exceptions will prevent the disruption of routine and ongoing shipments which have been made safely for 12 years under the existing exceptions. These materials do not present a significant hazard to passengers or crew on an aircraft.

EFFECTIVE DATE: May 2, 1989.

FOR FURTHER INFORMATION CONTACT:

Ann Boylan, Office of Hazardous Materials Transportation, RSPA, Washington, DC 20590, telephone (202) 366-4488.

SUPPLEMENTARY INFORMATION: On December 12, 1988, RSPA published a notice in the Federal Register (Docket HM-149F, Notice No. 88-9, 53 FR 49895) requesting public comment on RSPA's proposal to amend the Hazardous Materials Regulations (HMR) by renewing for two years the exceptions (statutory exemptions) found in 49 CFR 173.4, 173.421-1 and 173.421-2 for specified quantities of radioactive materials. The one commenter who responded to Notice 88-9 fully supported the proposal for renewal of the exceptions on basis of the excellent safety record associated with the transportation of these materials.

In accordance with section 107 of the Hazardous Materials Transportation Act (HMTA, 49 App. U.S.C 1806) governing exemptions, the exceptions provided in §§ 173.4, 173.421-1 and 173.421-2 are limited to two years unless reexamined and renewed. These exceptions were scheduled to expire on May 2, 1989. Historically, these exceptions have been issued and subsequently renewed under Docket HM-149. The legal background and regulatory history of these exceptions can be found in Docket HM-149C (46 FR 24184) published on April 30, 1981, and in preceding amendments dating back to April 17, 1975 (40 FR 17141).

In accordance with 49 U.S.C. 1806 and 49 CFR 106.13, RSPA has reexamined the basis for the exceptions provided in §§ 173.4, 173.421-1 and 173.421-2. Based on this review and on the very limited hazard posed by these materials, in addition to the comment supporting the proposal, RSPA is extending the effective dates of the exceptions contained in these sections through May 2, 1991.

Administrative Notices

Executive Order 12291

The RSPA has determined that this final rule (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the Docket.

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.

Impact on Small Entities

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

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Radioactive materials, Packaging and containers.

In consideration of the foregoing, Part 173 of Title 49 of the Code of Federal Regulations is amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for Part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

§§ 173.4, 173.421-1, 173.421-2 [Amended]

2. In Part 173, remove the year "1989" and add, in its place, the year "1991" in the following sections: § 173.4(b), § 173.421-1(b)(2), § 173.421-2(d).

Issued in Washington, DC, on April 7, 1989, under the authority delegated in 49 CFR Part 1, Appendix A.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 89-8662 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice amends the delegations of authority within the National Highway Traffic Safety Administration. It results from enactment of the Imported Vehicle Safety Compliance Act of 1988.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of the Chief Counsel (NCC-10), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-366-5263).

SUPPLEMENTARY INFORMATION: This notice concerns the delegation of authority within the National Highway Traffic Safety Administration (NHTSA). It amends the current delegations of authority to reflect the assignment of new duties and powers, which result from the passage of the Imported Vehicle Safety Compliance Act of 1988, Pub. L. 100-562. The new law amends section 108 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1397, and relates to the importation of motor vehicles. The powers and duties

for administering the new amendment are automatically delegated by the Secretary of Transportation to the Administrator of the NHTSA by the terms of 49 CFR 1.50(a). This notice delegates those powers and duties from the Administrator to the Associate Administrator for Enforcement.

The amendments set forth below relate solely to the organization and assignment of duties within the agency, and have no substantive regulatory effect. They are not covered by the notice and comment and effective date requirements of the Administrative Procedures Act. In addition, they are not covered by the requirements of Executive Order 12291 nor the Department of Transportation's regulatory policies and procedures. Notice and the opportunity for comment are, therefore, not required, and these amendments are effective immediately upon publication in the Federal Register.

List of Subjects in 49 CFR Part 501

Authority, Delegations.

In consideration of the foregoing, 49 CFR 501.8 is amended as follows:

PART 501—[AMENDED]

1. The authority citation for Part 501 continues to read as follows:

Authority: 49 U.S.C. sections 105 and 322; delegation of authority at 49 CFR 1.50.

2. Section 501.8(f) introductory text, (f)(1) and (g) are revised as follows:

§ 580.8 Delegations.

(f) Associate Administrator for Rulemaking. Except for those portions that have been reserved to the Administrator or delegated to the Associate Administrator for Enforcement, the Associate Administrator for Rulemaking is delegated authority to exercise the powers and perform the duties of the Administrator with respect to the setting of motor vehicle safety and theft prevention standards, average fuel economy standards, procedural regulations, and the development of consumer information and regulations authorized under:

(1) The National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.), except section 108(c) through 108(j) (15 U.S.C. 1397(c) through 1397(j)), and

(g) Associate Administrator for Enforcement. Except for those portions that have been reserved to the Administrator or delegated to the Chief Counsel, the Associate Administrator for Enforcement is delegated authority

to exercise the powers and perform the duties of the Administrator with respect to:

(1) Administering the NHTSA enforcement program for all laws, standards, and regulations pertinent to vehicle safety, fuel economy, theft prevention, damageability, consumer information and odometer fraud, authorized under the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.), and the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 et seq.).

(2) Setting of regulations relating to the importation of vehicles under sections 108(c) through 108(j) of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1397(c) through 1397(j)).

Issued on: April 6, 1989.

Diane K. Steed,
Administrator.

[FR Doc. 89-8716 Filed 4-10-89; 11:21 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Zones In Which Lead Shot Will Be Prohibited for the Taking of Waterfowl, Coots and Certain Other Species in the 1989-90 Hunting Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The use of lead shot in waterfowl hunting poses an unnecessary risk to certain migratory birds because when the spent shot is consumed it often produces lead poisoning and death. Accordingly, this final rule describes the zones in which the use of lead shot is prohibited for hunting waterfowl, coots and certain other species in the 1989-90 season. The zones described consist of (1) the same areas that were already identified as nontoxic shot zones for waterfowl and coot hunting in § 20.100 of Title 50 of the Code of Federal Regulations (50 CFR) for the 1988-89 hunting season, (2) the added counties identified for 1989-90 in Appendix N of the Final Supplemental Environmental Impact Statement (SEIS) on the Use of Lead Shot for Hunting Migratory Birds in the United States (see Table I in Supplementary Information) and (3) those additional areas identified by the

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