

**GENERAL SERVICES
ADMINISTRATION**

48 CFR Parts 523 and 552

[GSAR Change 64; GSAR Case 2006–G506;
Docket No. 2009–0005; Sequence No. 1]

RIN 3090–A182

**General Services Administration
Acquisition Regulation; GSAR Case
2006–G506; Environmental,
Conservation, Occupational Safety and
Drug-Free Workplace**

AGENCY: Office of Acquisition Policy,
General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services
Administration (GSA) is issuing a final
rule to amend the General Services
Administration Acquisition Regulation
(GSAR) to update the text and clauses
regarding Hazardous Materials
Identification and Material Safety Data.

DATES: *Effective:* June 24, 2015.

FOR FURTHER INFORMATION CONTACT: Mr.
Kevin Funk, Procurement Analyst, at
215–446–4860, for clarification of
content. For information pertaining to
status or publication schedules, contact
the Regulatory Secretariat Division at
202–501–4755. Please cite GSAR Case
2006–G506.

SUPPLEMENTARY INFORMATION:

I. Background

GSA published a proposed rule in
2009 to update the text and clauses
regarding Hazardous Materials
Identification and Material Safety Data.
A second proposed rule was issued in
the **Federal Register** at 80 FR 8278, on
February 17, 2015, due to the length of
time since the original proposed rule
was published in 2009 and updates to
the regulations referenced in GSAM
Subpart 523.3. No public comments
were received on the proposed rule. One
change was made for this final rule,
which clarifies that the new GSAR
clause 552.223–73 is only required in
solicitations and contracts for packaged
items containing hazardous materials.

II. Discussion and Analysis

The final rule changes the title of Part
523 to “Environment, Energy and Water
Efficiency, Renewable Energy
Technologies, Occupational Safety, and
Drug-Free Workplace,” to correspond to
the title in FAR Part 23. The title for
Subpart 523.3 is changed to “Hazardous
Material Identification and Material
Safety Data” to be consistent with the
corresponding FAR subpart.

In addition, this final rule adds a new
hazardous materials clause, GSAR

clause 552.223–73. GSAR clause
552.223–73 Preservation, Packaging,
Packing, Marking and Labeling of
Hazardous Materials (HAZMAT) For
Shipments is added to require
compliance by contractors regarding
preservation, packaging, packing,
marking, and labeling of hazardous
materials. This clause is also added to
the Provision and Clause Matrixes.

The GSAR provision at 552.212–72,
Contract Terms and Conditions
Required to Implement Statutes or
Executive Orders Applicable to GSA
Acquisition of Commercial Items, is
updated to include the new hazardous
material clause 552.223–73.

III. Executive Order 12866 and 13563

Executive Orders (E.O.s) 12866 and
13563 direct agencies to assess all costs
and benefits of available regulatory
alternatives and, if regulation is
necessary, to select regulatory
approaches that maximize net benefits
(including potential economic,
environmental, public health and safety
effects, distributive impacts, and
equity). E.O. 13563 emphasizes the
importance of quantifying both costs
and benefits, of reducing costs, of
harmonizing rules, and of promoting
flexibility. This is not a significant
regulatory action and, therefore, was not
subject to review under section 6(b) of
Executive Order 12866, Regulatory
Planning and Review, dated September
30, 1993. This rule is not a major rule
under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The General Services Administration
certifies that this final rule will not have
a significant economic impact on a
substantial number of small entities
within the meaning of the Regulatory
Flexibility Act, 5 U.S.C. 601, *et seq.*,
because these changes will not
substantively change the reporting,
recordkeeping, or compliance
requirements for contractors.

V. Paperwork Reduction Act

This final rule does not contain any
information collection requirements that
require the approval of the Office of
Management and Budget under the
Paperwork Reduction Act (44 U.S.C.
chapter 35).

**List of Subjects in 48 CFR Parts 523 and
552**

Government procurement.

Dated: June 17, 2015.

Jeffrey A. Koses,

*Senior Procurement Executive, Office of
Acquisition Policy, Office of Government-
wide Policy.*

Therefore, GSA amends 48 CFR parts
523 and 552 as set forth below:

**PART 523—ENVIRONMENT, ENERGY
AND WATER EFFICIENCY,
RENEWABLE ENERGY
TECHNOLOGIES, OCCUPATIONAL
SAFETY, AND DRUG-FREE
WORKPLACE**

■ 1. Revise the authority citation for 48
CFR part 523 to read as follows:

Authority: 40 U.S.C. 121(c).

■ 2. Revise the part heading to read as
set forth above.

■ 3. Revise subpart heading 523.3 to
read as set forth below.

**Subpart 523.3—Hazardous Material
Identification and Material Safety Data**

■ 4. Amend section 523.303 by revising
the section heading; and adding a new
paragraph (c) to read as follows:

523.303 Contract clauses.

* * * * *
(c) Insert 552.223–73, Preservation,
Packaging, Packing, Marking and
Labeling of Hazardous Materials
(HAZMAT) for Shipments, in
solicitations and contracts for packaged
items containing hazardous materials.

**PART 552—SOLICITATION
PROVISIONS AND CONTRACT
CLAUSES**

■ 5. The authority citation for part 552
continues to read as follows:

Authority: 40 U.S.C. 121(c).

■ 6. Amend section 552.212–72 by
revising the date of the clause and
paragraph (b) to read as follows:

**552.212–72 Contract Terms and
Conditions Required to Implement Statutes
or Executive Orders Applicable to GSA
Acquisition of Commercial Items.**

* * * * *

**Contract Terms and Conditions
Required To Implement Statutes or
Executive Orders Applicable to GSA
Acquisition of Commercial Items [JUN
2015]**

* * * * *

(b) *Clauses.*

- 552.223–70 Hazardous Substances.
- 552.223–71 Nonconforming Hazardous
Material.
- 552.223–73 Preservation, Packaging,
Packing, Marking and Labeling of
Hazardous Materials (HAZMAT) for
Shipments.

552.238–70 Identification of Electronic Office Equipment Providing Accessibility for the Handicapped.

552.238–72 Identification of Products That Have Environmental Attributes.

(End of clause)

■ 7. Add section 552.223–73 to read as follows:

552.223–73 Preservation, Packaging, Packing, Marking and Labeling of Hazardous Materials (HAZMAT) For Shipments.

As prescribed in 523.303(c), insert the following clause:

Preservation, Packaging, Packing, Marking and Labeling of Hazardous Materials (HAZMAT) For Shipments [JUN 2015]

(a) *Definition. United States*, as used in this clause, means the 48 adjoining U.S. States, Alaska, Hawaii, and U.S. territories and possessions, such as Puerto Rico.

(b) Preservation, packaging, packing, marking and labeling of hazardous materials for export shipment outside the United States in all transport modes shall comply with the following, as applicable:

(1) International Maritime Dangerous Goods (IMDG) Code as established by the International Maritime Organization (IMO).

(2) U.S. Department of Transportation (DOT) Hazardous Material Regulation (HMR) 49 CFR parts 171 through 180. (Note: Classifications permitted by the HMR, but not permitted by the IMDG code, such as Consumer Commodities classed as ORM–D, shall be packaged in accordance with the IMDG Code and dual-marked with both Consumer Commodity and IMDG marking and labeling.)

(3) Occupational Safety and Health Administration (OSHA) Regulation 29 CFR part 1910.1200.

(4) International Air Transport Association (IATA), Dangerous Goods Regulation and/or International Civil Aviation Organization (ICAO), Technical Instructions.

(5) AFMAN 24–204, Air Force Inter-Service Manual, Preparing Hazardous Materials For Military Air Shipments.

(6) Any preservation, packaging, packing, marking and labeling requirements contained elsewhere in this solicitation and contract.

(c) Preservation, packaging, packing, marking and labeling of hazardous materials for domestic shipments within the United States in all transport modes shall comply with the following; as applicable:

(1) U.S. Department of Transportation (DOT) Hazardous Material Regulation (HMR) 49 CFR parts 171 through 180.

(2) Occupational Safety and Health Administration (OSHA) Regulation 29 CFR part 1910.1200.

(3) Any preservation, packaging, packing, marking and labeling requirements contained elsewhere in this solicitation and contract.

(d) Hazardous Material Packages designated for outside the United States destinations through Forwarding Points, Distribution Centers, or Container Consolidation Points (CCPs) shall comply

with the IMDG, IATA, ICAO or AFMAN 24–204 codes, as applicable.

(e) The test certification data showing compliance with performance-oriented packaging or UN-approved packaging requirements shall be made available to GSA contract administration/management representatives or regulatory inspectors upon request.

(End of clause)

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130403322–4454–02]

RIN 0648–XE002

Snapper-Grouper Fishery of the South Atlantic; 2015 Commercial Accountability Measure and Closure for Atlantic Dolphin

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the commercial sector for Atlantic dolphin (dolphin) in the exclusive economic zone (EEZ) off the Atlantic states (Maine through the east coast of Florida) for the 2015 fishing year through this temporary rule. Commercial landings for dolphin, as estimated by the Science and Research Director, are projected to reach the commercial annual catch limit (ACL) by June 24, 2015. Therefore, NMFS closes the commercial sector for dolphin on June 24, 2015, through the remainder of the fishing year in the exclusive economic zone (EEZ) of the Atlantic. This closure is necessary to protect the dolphin resource.

DATES: This rule is effective 12:01 a.m., local time, June 24, 2015, until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, NMFS Southeast Regional Office, telephone: 727–824–5305, email: catherine.hayslip@noaa.gov.

SUPPLEMENTARY INFORMATION: The dolphin and wahoo fishery off the Atlantic states is managed under the Fishery Management Plan for the Dolphin and Wahoo Fishery of the Atlantic (FMP). The FMP was prepared by the South Atlantic Fishery

Management Council, in cooperation with the Mid-Atlantic and New England Fishery Management Councils, and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL for dolphin is 1,157,001 lb (524,807 kg), round weight. Under 50 CFR 622.280(a)(1)(i), NMFS is required to close the commercial sector for dolphin when the commercial ACL has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL has been reached and that the commercial sector for dolphin should close on June 24, 2015. Therefore, this temporary rule implements an AM to close the commercial sector for dolphin in the EEZ off the Atlantic states (Maine through the east coast of Florida), effective 12:01 a.m., local time June 24, 2015.

The operator of a vessel with a valid commercial vessel permit for dolphin on board must have landed and bartered, traded, or sold such species prior to 12:01 a.m., local time, June 24, 2015. During the closure, the bag and possession limits specified in 50 CFR 622.277(a)(1) apply to all harvest or possession of dolphin in or from the Atlantic EEZ. Additionally, these bag and possession limits apply in the Atlantic EEZ (Maine through the east coast of Florida) on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for dolphin and wahoo has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. During the closure, the sale or purchase of dolphin taken from the EEZ is prohibited.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of dolphin off the Atlantic states and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.280(a)(1)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries,