

research and development (R&D) five-year strategic plan (2012–2017). In general, from review of hazmat incident report data for all incident types, we have found that human error is the fourth-most cited cause of failure as is similarly indicated above in Section II specific to loading and unloading incidents.

The goal of the OHMS R&D program is to enhance the safety mission and identify and mitigate the emerging risks associated with hazmat transportation and to better understand the factors contributing to these risks. This human factors research effort is, among other things, designed to supply information necessary to guide future changes in regulations. OHMS created this priority to examine human involvement in the release of hazmat (e.g., human error), to research regulations that involve human impact, and develop new strategies to reduce human handling errors. Although historically overlooked in hazmat transportation safety research, we view this type of research essential as the safe transportation of all hazmat involves human interaction within the transportation system. This research would involve some manner of assessment of human factors in bulk loading and unloading operations including for CTMV operations. Results of such research may bear out significant information that can be used to support future rulemaking action.

D. Memorandum of Understanding

As part of a plan to enhance safety of bulk loading and unloading operations (including CTMV operations), PHMSA had envisioned development of an MOU with OSHA to clarify responsibilities. This plan called for a two-pronged approach of an MOU supplemented by a phased rulemaking approach (i.e., first a rulemaking to address CTMV loading and unloading operations followed by rulemakings for tank cars and other bulk packaging). But, since we are withdrawing this rulemaking, PHMSA does not plan to develop an MOU at this time because development of the MOU was intended to be directly linked to the new regulations proposed in the NPRM.

V. Conclusion

PHMSA has concluded that adopting the regulations proposed under the NPRM is not the best course of action

at this time. PHMSA has based this decision on its concerns that further regulation would create redundancies, confusion, and possibly be ineffective in preventing many of the very same incidents it is intended to address. Non-regulatory approaches are available in the short term that would still provide an opportunity to enhance safety of CTMV loading and unloading operations by raising awareness and communicating our expectations. Key non-regulatory activities include:

1. Issuing a guidance document for CTMV loading and unloading operations;
2. Implementing an outreach campaign to educate the regulated community on current regulatory requirements and best safety practices; and
3. Conducting human factors research to examine human involvement in release of hazmat and to potentially use this to support future consideration of rulemaking to address CTMV loading and unloading operations.

Accordingly, PHMSA is withdrawing the March 11, 2011 NPRM and terminating this rulemaking proceeding.

Issued in Washington, DC on February 10, 2014, under authority delegated in 49 CFR Part 106.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 130722646–4081–01]

RIN 0648–BD54

International Fisheries; Pacific Tuna Fisheries; Establishment of Tuna Vessel Monitoring System in the Eastern Pacific Ocean; Correction

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

ACTION: Proposed rule; request for comments; correction.

SUMMARY: This action corrects a web address provided for the submission of electronic public comments in a notice that published on February 6, 2014.

DATES: Comments on the proposed rule and the initial regulatory flexibility analysis (IRFA) must be submitted on or before March 10, 2014. A public hearing will be held from 1 p.m. to 4 p.m. PST, February 28, 2014, in Long Beach, CA.

FOR FURTHER INFORMATION CONTACT: Heidi Taylor, NMFS West Coast Region, 562–980–4039, or Rachael Wadsworth, NMFS West Coast Region, 562–980–4036.

SUPPLEMENTARY INFORMATION: NMFS proposed regulations that would establish requirements for a satellite-based vessel monitoring system (VMS) for U.S. commercial fishing vessels, 24 meters or more in overall length, used to target any fish of the genus *Thunnus* or of the species *Euthynnus* (*Katsuwonus*) *pelamis* (skipjack tuna) in the area bounded by the west coast of the Americas and on the north, south and west respectively, by the 50° N. and 50° S. parallels, and the 150° W. meridian.

Need for Correction

NMFS provided methods to submit public comments that include electronic, mail and a public hearing. However, the web address provided for the submission of electronic public comments is incorrect.

Correction

Accordingly, in the notice published on February 6, 2014 (79 FR 7152), on page 7152, third column, in the first bullet point of the **ADDRESSES** section, the web address provided for the submission of electronic public comments is corrected to read as follows: www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2013-0117

Dated: February 18, 2014.

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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