

referenced in today's notice will result in annual costs of \$100 million or more. The EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the State, by virtue of the approval, may now administer the program in lieu of the EPA and exercise primary enforcement. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) generally no longer face dual federal and state compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265, and 270 and are not subject to any additional significant or unique requirements by virtue of this program approval. Once EPA authorizes a State to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs and underground storage tanks under the approved State program, the in lieu of the Federal program.

Certification Under the Regulatory Flexibility Act

The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. The EPA recognizes that small entities may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, since such small entities which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265 and 270, this authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would result in an administrative change (i.e., whether the EPA or the state administers the RCRA Subtitle C program in that state), rather than result in a change in the substantive requirements imposed on small entities. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small entities will be able to own and operate their TSDFs

under the approved state program, in lieu of the federal program. Moreover, this authorization, in approving a state program to operate in lieu of the federal program, eliminates duplicative requirements for owners and operators of TSDFs in that particular state.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New Mexico's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this rule and other required information to the U.S. Senate, the U. S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority

This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 11, 1996.

Myron O. Knudson,

Acting Regional Administrator.

[FR Doc. 96-32090 Filed 12-20-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-280]

Organization and Delegation of Powers and Duties Delegation to the Commandant, United States Coast Guard

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation is delegating to the Commandant, United States Coast Guard, the authority contained in 46 U.S.C. 14104 to prescribe, by regulation, an alternate tonnage for vessels whenever a statute specifies that an alternate tonnage may be prescribed under that section. In order that the *Code of Federal Regulations* reflects this delegation, a change is necessary.

EFFECTIVE DATE: December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Eareckson, Marine Safety Center (MSC), (202) 366-6502, U.S. Coast Guard, 400 Seventh Street SW., Washington, DC 20590, or Mr. Ron Gordon, Office of the Executive Secretariat, S-10, (202) 366-9761, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Section 702 of the Coast Guard Authorization Act of 1996 (the Act) (Public Law 104-324; October 19, 1996) amends 46 U.S.C. 14104 to authorize the Secretary of Transportation, as the head of the Department in which the Coast Guard is operating, to prescribe by regulation an alternate tonnage for a vessel, if a statute allows for an alternate tonnage to be prescribed under 46 U.S.C. 14104. Sections 703 through 744 of the Act amend various statutes that specify vessel tonnage parameters based on regulatory measurement under 46 U.S.C. 14502. Each statute is amended to authorize an alternate tonnage to be prescribed based on convention measurement under 46 U.S.C. 14302, rather than regulatory measurement. The use of convention measurement may result in the building of safer, more efficient vessels and may enable vessel builders and operators to be competitive in the international market.

This rule amends 49 CFR 1.46 by adding a new paragraph to reflect the delegation of the Secretary's authority under 46 U.S.C. 14104 to the Commandant of the Coast Guard.

This rule is being published as a final rule and is being made effective on the

date of publication. It relates to departmental management, organization, procedure, and practice. For this reason, the Secretary for good cause finds, under 5 U.S.C. 553(b)(B) and (d)(3), that notice, and public procedure on the notice, before the effective date of this rule are unnecessary and that this rule should be made effective in less than 30 days after publication.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, part 1 of title 49, Code of Federal Regulations, is amended to read as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

§ 1.46 [Amended]

2. In § 1.46, paragraph (eee) is added to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(eee) Carry out the functions vested in the Secretary by 46 U.S.C. 14104 to prescribe alternate tonnages for vessels.

Issued in Washington, DC this 12th day of December, 1996.

Federico Peña,

Secretary of Transportation.

[FR Doc. 96-32542 Filed 12-20-96; 8:45 am]

BILLING CODE 4910-62-P

Federal Railroad Administration

49 CFR Parts 219 and 225

[FRA Docket No. RAR-4, Notice No. 16]

RIN 2130-AB13

Railroad Accident Reporting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule; response to remaining issues in petitions for reconsideration; and miscellaneous amendments.

SUMMARY: On June 18, November 22, and November 29, 1996, FRA published final rules amending the railroad accident reporting regulations at 49 CFR Part 225. 61 FR 30940, 61 FR 59368, 61 FR 60632, respectively. These final rules aim to minimize underreporting and

inaccurate reporting of those railroad injuries, illnesses, and accidents meeting FRA reportability requirements; respond to some of the issues raised in petitions for reconsideration of the final rule published June 18; and also increase from \$6,300 to \$6,500 the monetary threshold for reporting rail equipment accidents/incidents involving property damage that occur on or after January 1, 1997.

FRA now responds to the remaining issues raised in the petitions for reconsideration, issues amendments addressing some of those concerns, and makes minor technical amendments. The primary changes involve the granting of partial relief to small railroads. In particular, railroads that operate or own track on the general railroad system of transportation but that have 15 or fewer employees covered by the hours of service law and tourist railroads that operate or own track only off the general system are excepted from the requirements to record "accountable" injuries, illnesses, and rail equipment accident/incidents and to adopt and comply with a complete Internal Control Plan. (The excepted railroads must, however, have a harassment and intimidation policy.) In addition, tourist railroads that operate or own track only off the general system are excepted from part 225 requirements regarding most "non-train incidents."

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT:

Robert L. Finkelstein, Staff Director, Office of Safety Analysis, Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202-632-3386); or Nancy L. Goldman, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202-632-3167).

SUPPLEMENTARY INFORMATION: On June 18, November 22, and November 29, 1996, FRA published final rules amending the railroad accident reporting regulations at 49 CFR Part 225. 61 FR 30940, 61 FR 59368, 61 FR 60632, respectively. In response to the final rule published June 18, 1996, several railroads and railroad associations filed petitions for reconsideration raising various concerns with its contents and its implementation date of January 1, 1997.

The final rule published on November 22, 1996, 61 FR 59368, responded to certain issues raised in the petitions for reconsideration and amended the requirements in §§ 225.25(c) and 225.35 regarding access by railroad employees and FRA representatives, respectively, to certain railroad accident records and

reports. This document responds to the remaining issues and concerns stated in the petitions for reconsideration.

A. Summary of Remaining Concerns Raised in the Petitions for Reconsideration and FRA's Responses to those Concerns

FRA received petitions for reconsideration and requests to change the effective date of the final rule from the Association of American Railroads (AAR), The American Short Line Railroad Association (ASLRA), Union Pacific Railroad Company (UP), CSX Transportation, Inc., Canadian Pacific Railway, Burlington Northern Santa Fe Corporation (BNSF), Norfolk Southern Corporation, Consolidated Rail Corporation, Southern Pacific Lines, the Association of Railway Museums, Inc. (ARM), the Tourist Railroad Association (TRAIN), Maryland Midway Railway, Inc., Delaware Otsego Corporation, The Everett Railroad Company, Crab Orchard and Egyptian Railroad, Minnesota Commercial Railway Company, Angelina & Neches River Railroad Company, and the City of Prineville Railway.

Section 211.31 of FRA's rules of practice states that FRA must decide to grant or deny, in whole or in part, each petition for reconsideration not later than four months after receipt by FRA's Docket Clerk. 49 CFR 211.31. In this case, FRA's decision on the petitions for reconsideration is due no later than December 19, 1996. If FRA grants a petition for reconsideration, a notice of this decision must appear in the Federal Register. *Id.* To provide a fuller explanation of the issues, this document addresses both grants and denials of the petitions for reconsideration. Accordingly, a copy of this document is being mailed to all petitioners.

1. Section 225.33—Internal Control Plans

a. Section 225.33—Implementation of an Internal Control Plan

Section 225.33 mandates that each railroad "adopt and comply with a written Internal Control Plan (ICP) [to be] maintained at the office where the railroad's reporting officer conducts his or her official business." The ICP is to include, at a minimum, ten identified components as outlined in § 225.33 (a)(1) through (a)(10). Further, the ICP must be amended, "as necessary, to reflect any significant changes to the railroad's internal reporting procedures." 49 CFR 225.33(a).

ASLRA and most of its members, as well as ARM and TRAIN, request relief from implementing an ICP. These