

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 22, 1993.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 93-5105 Filed 3-4-93; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 1**

[OST Docket No. 1; Amdt. 1-259]

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 has delegated to the Commandant, United States Coast Guard, the authority contained in 33 U.S.C. 1226 to prevent or respond to acts of terrorism and in 46 U.S.C. app. 1803 to assess the state of security standards at foreign ports. The Code of Federal Regulations does not reflect this delegation; therefore, a change is necessary.

EFFECTIVE DATE: March 5, 1993.

FOR FURTHER INFORMATION CONTACT: LT John P. Sifling, Port Safety & Security Division, Office of Marine Safety, Security and Environmental Protection (202) 267-0491, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593; or Mr. Steve Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, (202) 366-9307, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Secretary of Transportation has delegated to the Commandant, United States Coast Guard, the authority contained in 33 U.S.C. 1226 to prevent or respond to acts of terrorism and in 46 U.S.C. app. 1803 to assess the state of security standards at foreign ports. The Code of Federal Regulations does not reflect this delegation; therefore, a change is necessary.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary, and it may be made effective in fewer than 30 days after

publication in the Federal Register. Therefore, this final rule is effective upon publication in the Federal Register.

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.

2. Section 1.46 is amended by adding a new paragraph (xx) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(xx) Carry out the functions and exercise the authority vested in the Secretary by 33 U.S.C. 1226 to prevent or respond to acts of terrorism and 46 U.S.C. app. 1803, subsections (a) and (b), to assess the state of security standards at foreign ports. This authority may be redelegated.

Issued on: February 26, 1993.

Federico F. Peña,

Secretary of Transportation.

[FR Doc. 93-5082 Filed 3-4-93; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Part 107

[Docket HM-208, Amdt No. 107-26]

Hazardous Materials Transportation Registration and Fee Assessment Program Technical Revision

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

ACTION: Final rule; technical revision.

SUMMARY: On July 9, 1992, a final rule was published which established a national registration program for persons engaged in the offering for transportation and transportation of certain categories and quantities of hazardous materials in intrastate, interstate, or foreign commerce. This document revises certain provisions of the registration program based on a correction contained in the Pipeline Safety Improvement Act of 1992, and provides regulatory relief by permitting payment of registration and processing fees by personal checks and by

removing a recordkeeping requirement for documents showing payment of these fees.

EFFECTIVE DATE: March 5, 1993.

FOR FURTHER INFORMATION CONTACT:

Joseph S. Nalevanko, Office of Hazardous Materials Planning and Analysis (202) 366-4109, or Beth Romo, Office of Hazardous Materials Standards (202) 366-4488, Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: On July 9, 1992, RSPA published a final rule under Docket HM-208 [57 FR 30620], establishing a national registration program, as mandated by Congress in the 1990 amendments to the Hazardous Materials Transportation Act, for persons engaged in the offering for transportation and transportation of certain categories and quantities of hazardous materials in intrastate, interstate, and foreign commerce. Persons subject to the registration program are required to annually file a registration statement with RSPA and pay an annual fee of \$300, \$250 of which is to fund a nationwide emergency response training and planning grant program for States, local governments, and Indian tribes and \$50 of which is to offset DOT processing costs. An initial filing deadline of August 31, 1992 was imposed for filing the registration statement and paying the fee. The regulation requires payment of the registration and processing fee by certified check, cashier's check, money order, or by a VISA or Master Card.

Numerous persons subject to the registration requirements stated that it is easier for them to pay by personal checks and suggested that RSPA accept personal checks also. RSPA did accept some personal checks during the initial registration period and found this to be a generally acceptable method of payment. Therefore, § 107.616(b) is revised to include personal checks. RSPA also recognizes that many banks no longer return cancelled checks to account holders. Therefore, RSPA is removing the requirement in § 107.620(a)(2) for persons to maintain a copy of the certified check, cashier's check, money order, or a copy of the credit card billing statements showing payment of the registration and processing fee.

The registration program is focused on persons who offer for transportation or transport certain hazardous materials which pose a heightened safety risk either because of their hazardous nature or because they are packaged in larger quantities. Persons subject to the registration program are those engaged

in offering for transportation or transporting: (1) Highway route-controlled quantities of Class 7 (radioactive) materials; (2) more than 25 kilograms (55 pounds) of Division 1.1, 1.2, or 1.3 (Class A or Class B explosives) materials in a motor vehicle, rail car, or transport container; (3) more than one liter (1.06 quarts) per package of a material extremely toxic by inhalation; (4) a hazardous material in a bulk package having a capacity equal to or greater than 13,248 liters (3,500 gallons) or more than 13.24 cubic meters (468 cubic feet); and (5) a shipment of 2170 kilograms (5,000 pounds) or more of a class of a hazardous material for which placarding of a vehicle, rail car, or freight container is required. As it applies to the registration program, "shipment" means, and is limited to, the hazardous material being offered or loaded at one loading facility.

In the preamble to the July 9 final rule, RSPA stated that on May 8, 1992, the Secretary of Transportation formally proposed amendment of 49 App. U.S.C. 1805(c)(1)(C) to eliminate registration of farmers transporting ammonia in nurse tanks. RSPA also noted the likelihood that confusion about the applicability of this rule existed among farmers and other transporters of hazardous materials weighing more than 2,170 kg (5,000 pounds) in a bulk packaging, container or tank with a capacity less than 13,248 liters (3,500 gallons). To alleviate this problem, RSPA delayed application of this rule to those persons until July 1, 1993 by providing an exception in § 107.601(d).

After publication of the final rule, RSPA received hundreds of telephone calls from persons indicating confusion about the applicability of the rule to farmers and other persons offering or transporting hazardous materials weighing more than 5,000 pounds in a "small" bulk packaging, container or tank (i.e., with a capacity less than 3,500 gallons), such as a nurse tank. In a July 28, 1992 clarification document, RSPA explained that, under paragraph (d) of § 107.601, any hazardous material offered for transportation or transported in a bulk packaging having a capacity equal to or greater than 3,500 gallons (or greater than 468 cubic feet) is subject to registration requirements, even when placards are not required. RSPA also clarified that until July 1, 1993, bulk packagings having a capacity of less than 3,500 gallons (such as a nurse tank which is limited to 3,000 gallons or less under 49 CFR 173.315(m)) are not subject to registration requirements. Furthermore, in an August 21, 1992 revised final rule, RSPA editorially revised § 107.601(d) and (e) to clarify

that paragraph (e) applies only to non-bulk shipments until July 1, 1993.

The Pipeline Safety Improvement Act of 1992, Public Law 102-508, was signed by the President on October 24, 1992. A correction appears in Title V, Sec. 503(a)(1) of the Act, which amends section 106(c)(1)(C) of the Hazardous Materials Transportation Act by inserting the wording "(in other than a bulk packaging)" after "5,000 pounds or more". This statutory change requires that RSPA revise 49 CFR 107.601(e) to permanently limit the applicability of paragraph (e) to non-bulk packagings. Therefore, RSPA is revising § 107.601(e) to mirror the statutory language. This revision eliminates the requirement that persons who offer or transport smaller bulk packagings with capacities of less than 3,500 gallons or 468 cubic feet register with RSPA after July 1, 1993.

This document clarifies and revises certain provisions of the HMR. These changes impose no new regulatory burden on any person and provide relief from existing requirements. Therefore, notice and public comment are unnecessary and good cause exists to make these amendments effective less than 30 days following publication.

Rulemaking Analyses and Notices

A. Executive Order 12291

This final rule has been reviewed under the criteria specified in § 1(b) of Executive Order 12291 and is determined not to be a major rule. Although the underlying rule was considered to be "significant" under the regulatory procedures of the Department of Transportation, this document is considered to be "non-significant" because it corrects a provision of the final rule based on a statutory change that limits the agency's discretion. This final rule does not impose additional requirements and, in fact, grants relief to some persons subject to the rule. The net result is that costs imposed under the final rule published in the Federal Register on July 9, 1992 are reduced, but without a reduction in safety (57 FR 30620). The original regulatory evaluation of the final rule was reexamined but was not modified because the changes made under this rule provide limited relief and thus will result in minimal economic impact on industry.

B. Executive Order 12612

This action has been analyzed in accordance with Executive Order 12612 ("Federalism"). States and local governments are "persons" under the HMTA, but are specifically exempted from the requirement to file a

registration statement. The regulations herein have no substantial effects on the States, on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various levels of government. This registration regulation has no preemptive effect. It does not impair the ability of States, local governments or Indian tribes to impose their own fees or registration or permit requirements on intrastate, interstate or foreign offerors or carriers of hazardous materials. Therefore, preparation of a Federalism Assessment is not warranted.

C. Impact on Small Entities

Based on information concerning size and nature of entities likely to be affected by this rule, I certify this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The rule will have no direct impact on small units of government.

D. Paperwork Reduction Act

Under 49 App. U.S.C. 1805, the information management requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) do not apply to this rule.

E. Regulation Identification Number (RIN)

A regulation identification 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 number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

F. National Environmental Policy Act

This final rule has been reviewed under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and does not require an environmental impact statement.

List of Subjects in 49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 107 is amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 continues to read as follows:

Authority: 49 App. U.S.C. 1421(c); 49 App. U.S.C. 1802, 1804, 1805, 1806, 1808-1811,

1815; Public Law 89-670, 80 Stat. 933 (49 U.S.C. 1653(d), 1655); 49 CFR 1.45 and 1.53 and app. A of 49 CFR part 1.

2. In § 107.601, paragraph (e) is revised to read as follows:

§ 107.601 Applicability.

(e) A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class, under the provisions of subpart F of part 172 of this chapter. For applicability of this subpart, the term "shipment" means, and is further limited to, the hazardous material being offered or loaded at one loading facility.

§ 107.616 [Amended]

3. In § 107.616, in paragraph (b), the wording "personal check," is added immediately after "cashier's check," and before "or money order".

§ 107.620 [Amended]

4. In § 107.620, the word "and" is added at the end of paragraph (a)(1), paragraph (a)(2) is removed and paragraph (a)(3) is redesignated as paragraph (a)(2).

Issued in Washington, DC, on March 2, 1993, under the authority delegated in 49 CFR part 1.

Rose A. McMurray,
Acting Administrator, Research and Special Programs Administration.

[FR Doc. 93-5136 Filed 3-4-93; 8:45 am]

BILLING CODE 4910-80-01

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations on the organization and delegations of powers and duties within the National Highway Traffic Safety Administration to reflect a change in the title of an agency official. The NHTSA official formerly known as the Managing Director is now known as the Executive Director.

EFFECTIVE DATE: March 5, 1993.

FOR FURTHER INFORMATION CONTACT: Dorothy Nakama, Office of Chief Counsel, NHTSA, 400 Seventh Street SW., room 5219, Washington, DC 20590.

Ms. Nakama's telephone number is: (202) 368-2992.

SUPPLEMENTARY INFORMATION: The final rule revises the regulations on the organization and delegations of powers and duties within the National Highway Traffic Safety Administration (NHTSA) to reflect a change in the title of an agency official. The official formerly known as the Managing Director is now known as the Executive Director. Accordingly, all references in part 501 to "Managing Director" have been revised to read "Executive Director."

The amendments set forth below relate solely to a change in title of a NHTSA official, and have no substantive regulatory effect. As matters relating to agency management, they are not covered by the notice and comment or the effective date requirements of the Administrative Procedure Act. In addition, they are not covered by Executive Order 12291 or 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 part 501 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.

§§ 501.3, 501.4, 501.5, 501.7, 501.8 [Amended]

2. In 49 CFR part 501, remove the words "Managing Director" and add, in their place, the words "Executive Director" in the following places:

- (a) Section 501.3(a)(3) paragraph heading;
- (b) Section 501.4(b);
- (c) Section 501.5(a);
- (d) Section 501.5(b);
- (e) Section 501.7 introductory text;
- (f) Section 501.8(b) paragraph heading; and
- (g) Section 501.8(b).

Issued on: March 2, 1993.

Howard M. Smolkin,
Executive Director.

[FR Doc. 93-5123 Filed 3-4-93; 8:45 am]

BILLING CODE 4910-80-01

49 CFR Part 582

[Docket No. 74-40; Notice 4]

RIN 2127-AE18

Insurance Cost Information Regulation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends 49 CFR part 582, Insurance Cost Information Regulation, to implement section 201(e) of the Motor Vehicle Information and Cost Savings Act by requiring new car dealers to distribute to prospective customers comparative insurance cost information that is prepared and provided annually by NHTSA from data compiled by the Highway Loss Data Institute ("HLDI"). This notice also sets forth a sample form for presentation of the HLDI information. These amendments may assist prospective purchasers in comparing differences in passenger vehicle collision loss experience that could affect auto insurance costs.

EFFECTIVE DATE: These amendments are effective April 5, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Orron Kee, Office of Market Incentives, NHTSA, 400 Seventh Street SW., Washington, DC 20590 (202-366-4936).

SUPPLEMENTARY INFORMATION:

Background

Section 201(e) of the Motor Vehicle Information and Cost Savings Act ("Act"), 15 U.S.C. 1941(e), states that the Secretary [of Transportation] shall by rule establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealer which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness.

The authority to carry out this provision has been delegated to the NHTSA Administrator. 49 CFR 1.50(f).

On January 31, 1975, NHTSA issued 49 CFR part 582, Insurance Cost Information Regulation (40 FR 4918). Part 582 requires that automobile dealers "make available to prospective purchasers information reflecting differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness," but does not contain any specific information that dealers must provide. Rather, § 582.5 indicated