hazardous waste program revisions to its authorized hazardous waste program is voluntary and imposes no Federal mandate within the meaning of the Act. Rather, by having its hazardous waste program approved, the State will gain the authority to implement the program within its jurisdiction, in lieu of EPA, thereby eliminating duplicative State and Federal requirements. If a State chooses not to seek authorization for administration of a hazardous waste program under RCRA Subtitle C, RCRA regulation is left to EPA.

In any event, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures $100 million or more for State, local, and tribal governments in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Maine's hazardous waste program as referenced in today's document will result in annual costs of $100 million or more. 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 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.

Certification Under the Regulatory Flexibility Act

EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Envorcement Fairnes 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 Maine'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 the Small Business Regulatory Enforcement Fairness Act

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 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 section 804(2) of the APA as amended.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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 document is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Resource Conservation and Recovery Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 6, 1997.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 97–16212 Filed 6–23–97; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101–43, 101–44, 101–45, and 101–46

[FPMR Amendment H–196]

RIN 3090–AG46

Discontinuation of Interagency Reporting Requirements 0015–GSA–AN, 1528–GSA–AN, and 1529–GSA–A

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This amendment eliminates the requirements that agencies submit to GSA annual reports on the utilization and disposal of excess and surplus personal property (interagency report control (IRC) number 0015–GSA–AN), exchange/sale transactions (IRC number 1528–GSA–AN) and the recovery of precious metals (IRC number 1529–GSA–A). GSA has carefully reviewed the requirements of these reports and concluded that in light of shrinking Governmentwide resources and in the interest of streamlining, the reports should be discontinued.

EFFECTIVE DATE: June 24, 1997.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Director, Personal Property Management Policy Division (MTP), 202–501–3846.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

REGULATORY FLEXIBILITY ACT: This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Parts 101–43, 101–44, 101–45, and 101–46

Government property management, Reporting and recordkeeping requirements, Surplus Government property.

For the reasons set forth in the preamble, 41 CFR Parts 101–43, 101–44, 101–45, and 101–46 are amended as follows:

1. The authority citation for parts 101–43, 101–44, 101–45, and 101–46 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101–43.47—Reports

2. Section 101–43.4701 is amended by removing and reserving paragraph (a) and by revising the introductory text of paragraph (c) to read as follows:

§ 101–43.4701 Performance reports.

* * * * *

(c) In accordance with section 202(e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), an annual report, in letter form, of personal property obtained as excess property or as property not excess to the owning agency but determined to be no longer required for the purposes of the appropriation from which it was purchased, and subsequently furnished to a recipient other than a Federal agency in any manner within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, shall be submitted by each executive agency to the General Services Administration (FBP), Washington, DC 20406, within 90

calendar days after the close of each fiscal year. The report shall include only those items furnished to non-Federal recipients during the fiscal year being reported. Interagency report control number 0154–GSA–AN has been assigned to this report. Negative reports are required.

* * * * *

Subpart 101–43.49—Illustrations of Forms

§ 101–43.4901–121 [Removed]

3. Section 101–43.4901–121 is removed.

§ 101–43.4901–121–1 [Removed]

4. Section 101–43.4901–121–1 is removed.

PART 101–44—DONATION OF PERSONAL PROPERTY

Subpart 101–44.47—Reports

§ 101–44.4701 [Amended]

5. Section 101–44.4701 is amended by removing and reserving paragraph (a).

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.10—Recovery of Precious Metals

6. Section 101–45.1002 is revised to read as follows:

§ 101–45.1002 Agency responsibilities.

Heads of executive agencies are responsible for establishing, maintaining, and pursuing a program for recovery of precious metals. The provisions of this § 101–45.1002 provide guidance with respect to surveys, assignments of program monitors, and internal audits. Precious metals that may be designated for recovery include gold, silver, and metals in the platinum family. Examples of silver bearing scrap and waste include used photographic fixing (hypo) solution, photographic and X-ray film, silver alloys, and dental scrap. Other examples of precious metals bearing materials include electronic scrap, ADPE, welding and brazing wire, anodes, and batteries. Certain strategic and critical materials may also be designated for recovery.

§ 101–45.1002–2 [Reserved]

7. Section 101–45.1002–2 is removed and reserved.

8. Section 101–45.1002–3 is revised to read as follows:

§ 101–45.1002–3 Precious metals recovery program monitor.

Each agency should designate an individual to monitor its precious metals recovery program. Responsibilities of the precious metals monitor should include conducting and initiating surveys; implementing and improving recovery procedures; and monitoring the agency's recovery program.

9. Section 101–45.1004–1 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 101–45.1004–1 Civil agency participation in the DOD Precious Metals Recovery Program.

(a) Civil agencies wishing to participate in the DOD precious metals recovery system should contact the Manager, DOD Precious Metals Recovery Program, Attention: DLA–MMLC, Fort Belvoir, VA 22060, for further information regarding the following plans:

* * * * *

Subpart 101–45.47—Reports

§ 101–45.4701 [Reserved]

10. Section 101–45.4701 is removed and reserved.

Subpart 101–45.49—Illustrations of Forms

§ 101–45.4901–291 [Removed]

11. Section 101–45.4901–291 is removed.

PART 101–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101–46.2—Authorization

12. Section 101–46.201–2 is amended by revising paragraph (a) to read as follows:

§ 101–46.201–2 Transfer and exchange between Federal agencies.

(a) Executive agencies having property that is determined to be available for exchange or sale under this part shall, to the maximum extent practicable or economical and prior to any disposal action, solicit Federal agencies known to use or distribute this property and arrange for transfers thereto, except that no attempt need be made to obtain further utilization of property that is eligible for replacement in accordance with replacement standards prescribed in Subpart 101–25.4.

* * * * *

13. Section 101–46.202 is amended by revising paragraph (c)(10) to read as follows:

§ 101–46.202 Restrictions and limitations.

* * * * *

(c) * * *

(10) Even though otherwise eligible, the exchange or sale of property which was originally acquired as excess or forfeited property, or from another source other than new procurement, unless such property has been placed in official use by the acquiring agency for a minimum of 1 year. Forfeited property placed in official use for less than 1 year may be exchanged or sold if the head of the agency certifies that a continuing valid requirement exists, but the specific item in use no longer meets that requirement, and that the exchange or sale meets all other requirements of this part.

* * * * *

14. Section 101–46.203 is amended by revising paragraph (b) to read as follows:

§ 101–46.203 Special authorizations.

* * * * *

(b) In acquiring items for historical preservation or display at Federal museums, executive agencies may exchange historic items in the museum property account without regard to the Federal supply classification group or the requirement in § 101–46.202 to replace items on a one-for-one basis, provided the exchange transaction is documented and certified by the agency head to be in the best interest of the Government and all other provisions of this part are met. The documentation must contain a determination that the item exchanged and the item acquired are historic items. As used in this section, the term ''historic item'' means property having added value for display purposes because of its historical significance that is greater than the fair market value of the item for continued use. This definition of historic item does not include items that are commonly available and remain in use for their intended purpose, such as military aircraft still in use by active or reserve units.

Subpart 101–46.3—Exchange and Sale Procedures

§ 101–46.301 [Reserved]

15. Section 101–46.301 is removed and reserved.

§ 101–46.305 [Removed]

16. Section 101–46.305 is removed.

Dated: March 26, 1997.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 97–16320 Filed 6–23–97; 8:45 am]

BILLING CODE 6820–24–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 16

[CGD 95–011]

RIN 2115–AF02

Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Implementation of Drug Testing in Foreign Waters

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule adopts as final the interim rule that established January 2, 1997, as the effective date for implementation of chemical drug testing of persons on board U.S. vessels in waters subject to the jurisdiction of a foreign country. Under the interim rule, industry has until July 1, 1997, to implement the required testing, but may be exempted from testing requirements when compliance would violate the domestic laws or policies of another country.

DATES: This final rule is effective July 24, 1997.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593–0001, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: LT Jennifer Ledbetter, Project Manager, Marine Investigation Division (G–MOA–1), telephone (202) 267–0684.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On November 21, 1988, the Coast Guard promulgated regulations requiring pre-employment, periodic, post-accident, reasonable cause, and random drug testing of U.S. crewmembers on U.S. vessels (53 FR 47079). The final rule provided that the testing requirements of 46 CFR part 16 did not apply to any person for whom compliance with the rules would violate the domestic laws or policies of another country. The effective date of part 16, with respect to any person on board a U.S. vessel in waters subject to the jurisdiction of a foreign government, was delayed until January 1990. The Coast Guard subsequently delayed implementation of foreign testing requirements several times, the last of which was on December 28, 1995, delaying the implementation to January 2, 1997 (60 FR 67062). These rules did not prohibit employers from conducting chemical testing of U.S. personnel in foreign waters. However, the requirement to perform such tests was delayed. Many companies continued to test mariners in foreign waters under company policy.

On August 21, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM)(60 FR 43426) proposing to revise 46 CFR 16.207 to provide that U.S. drug testing requirements would not apply in waters subject to the jurisdiction of a foreign government.

Comments on the NPRM expressed the need for testing requirements, even in foreign waters. As a result of these comments, the Coast Guard reconsidered its proposal. On December 18, 1996, the Coast Guard published the interim rule (61 FR 66612) which required drug testing of crewmembers on board U.S. vessels within waters subject to the jurisdiction of a foreign government, effective on January 2, 1997.

Discussion of Comments

One letter was received in response to the interim rule published on December 18, 1996. It did not address the rule's provisions for chemical drug testing in waters subject to the jurisdiction of a foreign government. The comment generally discussed the purpose and effectiveness of the chemical drug testing program in the Coast Guard and the Department of Transportation. These issues are beyond the scope of this rulemaking, and therefore, are not addressed in this document. The Coast Guard received no other comments on the interim rule. Therefore, the Coast Guard is adopting as final its rule to implement the original requirements for chemical testing of U.S. crewmembers on board U.S. vessels within waters that are subject to the jurisdiction of a foreign government. The effective date of this provision was January 2, 1997, but employers have until July 1, 1997, to implement required chemical testing on U.S. vessels in waters subject to the jurisdiction of a foreign country.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11034; February 26, 1979). The Coast Guard acknowledges that there are companies whose current policy is not to conduct chemical testing in waters subject to a foreign government. To implement such testing now would increase these companies' operating expenses. However, this cost was part of the costs evaluated in the original rulemaking and deferred to this time because of the numerous delays in implementing testing in foreign waters. The economic impact of these changes is so minimal that further evaluation is not necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments on the interim rule from small entities. The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard will provide assistance to small entities to determine how this rule applies to them. If you are a small business and need assistance understanding the provisions of this rule or applying for an exemption under this rule, please contact your local Officer in Charge, Marine Inspection (OCMI).

Collection of Information

This final rule contains no new collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order