governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector. The Act excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program, except in certain cases where a ''federal intergovernmental mandate'' affects an annual federal entitlement program of $500 million or more that are not applicable here. Delaware's request for approval of revisions to its authorized hazardous waste program is voluntary and imposes no Federal mandate within the meaning of the Act. Rather, by having these revisions to its hazardous waste program approved, Delaware will gain the authority to implement these federally authorized revisions to its hazardous waste 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 of $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 Delaware's revisions to its hazardous waste program referenced in today's notice will result in annual costs of $100 million or more. EPA's approval of state programs, and revisions thereto, 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 for those regulations for which they have been authorized. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) will continue to 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.

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 or 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 under the approved State program, in lieu of the Federal program.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. 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 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 provision at 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 approves the Delaware program to operate in lieu of the federal 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 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.

List of Subjects in 40 CFR Part 272

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste 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: July 26, 1996.

W. Michael McCabe,

Regional Administrator.

[FR Doc. 96–20248 Filed 8–7–96; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101–43 and 101–46

[FPMR Temp. Reg. H–28]

RIN 3090–AG01

Relocation of FIRMR Provisions Relating To GSA's Role in the Disposal of Excess and Exchange/Sale Information Technology (IT) Equipment

AGENCY: Office of Policy Planning and Evaluation, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation redesignates certain provisions of the Federal Information Resources Management Regulation (FIRMR) to the Federal Property Management Regulation

(FPMR). The regulation also makes a few changes to existing parts of the FPMR to update old references to the FIRMR. This change is necessary because the Information Technology Management Reform Act of 1996, effectively disestablishes the FIRMR. The referenced FIRMR provisions that apply to the transfer and disposal of excess IT equipment, will be maintained in the FPMR after August 7, 1996.

DATES: This rule is effective August 8, 1996. Comments are solicited and are due: October 7, 1996.

Expiration Date: December 31, 1997.

ADDRESSES: Comments may be mailed to General Services Administration, Office of Policy, Planning and Evaluation, Strategic IT Analysis Division (MKS), 18th and F Streets, NW., Room 3224, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: R. Stewart Randall, GSA, Office of Policy, Planning and Evaluation, Strategic IT Analysis Division (MKS), 18th and F Streets, NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501–3194 (v) or (202) 501–0657 (tdd), or Internet (stewart.randall@gsa.gov).

SUPPLEMENTARY INFORMATION: (1) The President signed the National Defense Authorization Act (NDAA) For Fiscal Year 1996, Pub. L. 104–106, on February 10, 1996. Included in the NDAA was Division E, the Information Technology Management Reform Act of 1996. Section 5101 of the Act repeals section 111 of the Federal Property and Administrative Services Act of 1949, as amended (the Brooks Act) (40 U.S.C. 759). The Brooks Act was the authority for many of the provisions in GSA's Federal Information Resources Management Regulation; its repeal effectively results in the disestablishment of the FIRMR. Any FIRMR provisions not affected by the repeal of the Brooks Act, such as Part 201–23—Disposition, concerned with the utilization of excess IT equipment, are being removed from the FIRMR and reestablished in the Federal Property Management Regulation or other documents, as appropriate.

(2) Most of the provisions now contained in part 101–43 of the FPMR were moved almost verbatim from part 201–23 of the FIRMR except for changes in terminology, e.g., Federal information processing to information technology. Such change was needed to make the regulation consistent with relevant legislation. A few provisions were added to include essential information from FIRMR Bulletin C–2, which will be discontinued when the FIRMR is disestablished in August 1996. Additionally, a few changes were made to existing provisions of part of 101–43 and to part 101–46 to correct or remove out of date references to FIRMR parts.

(3) GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993, because it is not likely to result in any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

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

Archives and records, Computer technology, Information technology, Government procurement, Property management, Records management, and Telecommunications.

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

FEDERAL PROPERTY MANAGEMENT REGULATIONS TEMPORARY REGULATION H–28

TO: Heads of Federal agencies
SUBJECT: Relocation of FIRMR provisions relating to GSA's role in the disposal of excess and exchange/sale information technology (IT) equipment

1. *Purpose.* This regulation moves certain provisions in 41 CFR part 201–23 of the Federal Information Resources Management Regulation (FIRMR) to 41 CFR Part 101–43.6 of the Federal Property Management Regulations (FPMR).

2. *Effective date.* This regulation is effective on August 8, 1996.

3. *Expiration date.* This regulation expires on December 31, 1997, unless sooner superseded or canceled.

4. *Background.* The President signed the National Defense Authorization Act (NDAA) For Fiscal Year 1996, Pub. L. 104–106, on February 10, 1996. Included in the NDAA was Division E, the Information Technology Management Reform Act of 1996. Section 5101 of the Act repeals section 111 of the Federal Property and Administrative Services Act of 1949, as amended (the Brooks Act) (40 U.S.C. 759). The Brooks Act was the authority for many of the provisions in GSA's FIRMR; its repeal effectively results in the disestablishment of the FIRMR. Any FIRMR provisions not affected by the repeal of the Brooks Act, such as Part 201–23—Disposition, concerned with the disposal of excess IT equipment, are being removed from the FIRMR and reestablished in the FPMR or other documents, as appropriate. Most of the provisions now contained in part 101–43 of the FPMR were moved almost verbatim from part 201–23 of the FIRMR except for changes in terms, i.e., Federal information processing to information technology. That change was needed to make the regulation consistent with relevant legislation. A few sentences were added to include essential information from FIRMR Bulletin C–2, which will be discontinued when the FIRMR is disestablished in August 1996. Additionally, changes were made to existing provisions of part 101–43 and to part 101–46 to correct or remove out of date FPMR references to FIRMR parts.

5. *Agency Comments.* Comments concerning this regulation should be submitted to the General Services Administration, Office of Policy, Planning and Evaluation, Strategic IT Analysis Division (MKS), 18th and F Streets, NW., Room 3224, Washington, DC 20405, no later than October 7, 1996.

6. *Explanation of changes.*

For the reasons set forth in the preamble, 41 CFR Part 101 is amended as follows:

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

1. The authority citation for part 101–43 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 1412.

2. Section 101–43.000 is revised to read as follows:

§ 101–43.000 Scope of part.

This part prescribes the policies and methods governing the economic and efficient utilization of personal property located within and outside the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands. Section 101–43.6 prescribes the specific policies and procedures governing the worldwide utilization of excess information technology resources. Additional guidelines regarding reutilization of hazardous materials are prescribed in part 101–2.

3. Subpart 101–43.6 is added to read as follows:

Subpart 101–43.6—Diposition of IT Excess Personal Property

101–43.600 Scope of subpart.
101–43.601 General.
101–43.602 Policies.
101–43.603 Procedures.

Subpart 101–43.6—Disposition of IT Excess Personal Property

§ 101–43.600 Scope of subpart.

This subpart prescribes policies and procedures to be followed by agencies for disposing of Government-owned information technology (IT) equipment

and software that is no longer needed for the purpose for which it was acquired. Information technology means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by an executive agency. The term includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

§ 101–43.601 General.

(a) Government-owned IT equipment that is no longer needed for the purpose for which it was acquired is either—

(1) Reassigned within the agency;

(2) Declared excess to the agency's needs and made available for transfer to another agency;

(3) Exchanged or sold as part of a transaction to acquire replacement IT equipment; or

(4) Declared surplus and made available for donation.

(b) IT software that is no longer needed for the purpose for which it was acquired is either—

(1) Reassigned within the agency consistent with the limitations of any applicable license; or

(2) Otherwise disposed of consistent with the limitations of any applicable license.

§ 101–43.602 Policies.

Agencies shall—

(a) Use IT equipment or IT software that is available for reassignment within the agency or by transfer from another agency when such use is the most advantageous alternative to satisfy the agency's requirements.

(b) Make available for reassignment within the agency IT equipment that is not outdated and that is no longer needed for the purpose for which it was acquired.

(c) Make available for interagency screening and transfer to another agency, excess IT equipment that is not outdated and has an original acquisition cost (OAC) per component of $1 million or more. Outdated IT equipment means any IT equipment over six years old, based on the initial commercial installation date of that model of equipment, and that is no longer in current production. Interagency transfer of IT equipment that is not outdated with an OAC per component of less than $1 million, is permitted if the holding agency learns of a potential user outside of the screening process. Agencies may interagency screen and transfer excess IT equipment without GSA approval.

(d) Make available for surplus donation or subsequent sale, excess IT equipment not exchanged, sold, reassigned or transferred.

(e) Consistent with the limitations of any applicable license—

(1) Make available for reassignment within the agency IT software that is no longer needed for the purpose for which it was acquired;

(2) Make available for interagency transfer, excess IT software not exchanged or sold, if the holding agency learns of a potential user outside of the screening process (GSA does not require interagency screening of IT software);

(3) For excess IT software not reassigned, transferred, exchanged, or sold, either:

(i) Return it to the licensor, or

(ii) Destroy it after a duly authorized agency official determines in writing that destruction is the most cost-effective disposal approach.

§ 101–43.603 Procedures.

(a) Each agency head shall designate an agency point of contact for managing the disposition of IT equipment and software. Each agency shall submit the name, address, and phone number of this individual to the General Services Administration/MKS, 18th & F Streets, NW., Washington, DC 20405. GSA will maintain a list of these coordinators on the IT Policy Home Page. The URL is http: //www.itpolicy.gsa.gov.

(b) GSA will convene meetings with agency points of contacts periodically to discuss emerging issues relating to the disposition of excess IT resources.

(c) Agencies shall—

(1) Establish procedures for the reassignment of IT equipment and software within the agency; and

(2) Obtain approval from the agency Chief Information Officer before reassigning outdated IT equipment.

(d) Agencies shall offer excess IT equipment that is not outdated and has an OAC per component of $1 million or more to other Federal agencies by:

(1) Notifying other excess IT coordinators of the availability of the IT equipment;

(2) Fully and accurately describing the IT excess equipment by providing the following information:

(i) Condition code as defined in 41 CFR 101–43.4801;

(ii) Manufacturer's name;

(iii) Equipment type and model;

(iv) Description, including the supplier's nomenclature for the component;

(v) List of elements removed from each component, if applicable;

(vi) Description of available software, engineering drawings, manuals, etc; and

(vii) Contractor-held equipment, if applicable.

(3) Allowing agencies 15 days to assess their need for the excess IT equipment.

(e) Agencies may conduct exchange/sale transactions of IT equipment and software not transferred to another agency without GSA approval. (Exchange/sale transactions for IT equipment may be initiated in parallel with interagency screening, but screening of exchange/sale transactions with an OAC per component of $1 million or more shall be completed prior to concluding an exchange/sale transaction.) When an agency determines that IT equipment will be replaced by exchanging or selling it, the agency shall follow the contracting policies and procedures in the Federal Acquisition Regulation (FAR) and the policies and procedures on exchange/sale contained in 41 CFR part 101–46. IT software transactions must be consistent with the limitations of any applicable license.

(f) Agencies shall make available for surplus donation or subsequent sale, in accordance with 41 CFR parts 101–44 and 101–45, excess IT equipment not exchanged, sold, reassigned, or transferred.

(g) Agencies shall apply the policies and procedures of this subpart 101–43.6 to IT equipment used by grantees and contractors when IT equipment is—

(1) Acquired by the contractor or grantee under a contract or grant and the terms vest title in the Government or the Government is obligated or has the option to take over title;

(2) Furnished to the grantee or contractor by the Government (Transfer of excess IT equipment to agency project grantees shall be conducted in accordance with 41 CFR 101–43.314.); or

(3) Operated by the grantee or contractor as part of a Government-owned or Government-controlled facility.

(h) Agencies may request GSA to review another agency's decision to transfer excess IT equipment. Requests shall be sent to the General Services Administration/MKS, 18th & F Streets, NW., Washington, DC 20405.

§ 101–43.4801 [Amended]

4. Section 101–43.4801 is amended by removing paragraph (c) and redesignating existing paragraphs (d), (e) and (f) as paragraphs (c), (d) and (e), respectively.

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

5. The authority citation for part 101–46 continues to read as follows:

Authority: 40 U.S.C. 1412; Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

§ 101–46.201–2 [Amended]

6. Section 101–46.201–2 is amended in paragraph (a) by removing the last sentence.

Dated: July 31, 1996.

David J. Barram,

Acting Administator of General Services.

[FR Doc. 96–20292 Filed 8–7–96; 8:45 am]

BILLING CODE 6820–25–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 80–9; Notice 12]

RIN 2127–AF59

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

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

ACTION: Final rule.

SUMMARY: This document requires that the rear of truck tractors be equipped with retroreflective material similar to that required on the rear of the trailers they tow to increase nighttime conspicuity. Manufacturers may choose either retroreflective sheeting or reflex reflectors. In the case of truck tractors delivered with a temporary mudflap arrangement rather than permanent equipment, the requirement for retroreflective material near the top of the mudflap may be satisfied with material carried by the temporary mudflap brackets that is transferable to the permanent mudflap system. Retroreflective material is also required near the top of the cab in a pattern similar to that used on trailers. NHTSA estimates that the incidence of crashes involving truck tractors struck in the rear by other vehicles in darkness could be reduced by 15 to 25 percent by enhancing conspicuity as required by this rule.

DATES: The effective date for the final rule is July 1, 1997. Petitions for reconsideration of the rule must be received not later than September 23, 1996. Petitions filed after that time will be considered petitions for rulemaking pursuant to 49 CFR part 552.

ADDRESSES: Petitions for reconsideration should refer to the docket number and notice number, and be submitted to: Administrator, NHTSA, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For Technical Issues: Patrick Boyd, Office of Safety Performance Standards, NPS–31, telephone (202) 366–6346, FAX (202) 366–4329. For Legal Issues: Taylor Vinson, Office of Chief Counsel, NCC–20, telephone (202) 366–2992, FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 1992, NHTSA published a final rule amending Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to add paragraph S5.7 *Conspicuity Systems.* (57 FR 58406) Effective December 1, 1993, the rule required large trailers, particularly the type hauled by truck tractors, to be equipped with reflective marking (either retroreflective tape or reflex reflectors) to enhance their detectability at night or under other conditions of reduced visibility. The preamble to the rule explained that the conspicuity requirements applied only to large trailers because most fatal accidents at night in which a truck is struck involve a truck tractor-trailer combination vehicle. But the notice also mentioned that the night accident involvement rate of truck tractors alone was much greater than that of other single-unit trucks. The agency announced that it was considering truck tractors for future conspicuity rulemaking.

As part of its petition for reconsideration of the final rule, the Insurance Institute for Highway Safety (IIHS) asked that the conspicuity requirement be extended to single unit trucks and to truck tractors, citing accident statistics in support of its request.

Aided by its fleet study of heavy trailers using a similar rear conspicuity treatment, NHTSA tentatively concluded that motor vehicle safety would be enhanced if a conspicuity marking scheme were extended to truck tractors. Under 49 CFR 571.3(b), a truck tractor ''means a truck designed primarily for drawing other motor vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn.'' Far fewer crashes involve vehicles colliding with the rear of truck tractors than with the rear of trailers, presumably because of a much lower exposure of tractors operating without trailers. However, NHTSA's data indicate that a higher proportion of rear end crashes involving truck tractors, including fatal crashes, occur at night than for either trailers or trucks.

Truck tractors are less conspicuous at night from the rear than other motor vehicles because they are subject to fewer rear lighting requirements of Standard No. 108. Unlike other vehicles over 2032 mm wide (80 inches), tractors are not required to have rear side marker lamps, rear clearance lamps, or rear identification lamps. If double sided turn signal lamps are used on the front fenders, truck tractors are not required to have rear turn signal lamps either. The only rear marking lamps required on all truck tractors are the taillamps, and the taillamps of truck tractors do not mark the full width of the vehicle as do the taillamps of other vehicles.

Since much of a truck tractor's operational life is spent in hauling trailers, it does not appear cost beneficial to require it to have the full panoply of rear lighting equipment required for other motor vehicles. Further, the configuration of truck tractors presents practicability problems for the mounting of the tail, stop, and turn signal lamps at the locations specified for other vehicles. However, the inexpensive and convenient use of retroreflective material would improve the detectability of the rear of truck tractors when they are being operated or parked without trailers. The familiarity of the public with the Federal conspicuity treatment applied to large trailers should improve the recognition of similarly treated truck tractors and make such a treatment more effective for accident prevention than it would have been in the past.

The Notice of Proposed Rulemaking

In view of the relatively short length of truck tractors and the fact that they are equipped with a full complement of lamps at the front, on June 12, 1995, NHTSA proposed (60 FR 30820) a conspicuity treatment for the rear only. The conspicuity treatment would use the same retroreflective sheeting or reflex reflectors certified for use on trailers under the existing regulation (the term ''retroreflective material'' is used in this document to include both sheeting and reflex reflectors).

As with large trailers, two strips of white material 300 mm in length were proposed for application horizontally and vertically to the right and left upper rear contours of the body (as shown in Figure 31), as close to the top of the body and as far apart as practicable. Relocation of the material would be