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SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practice, it is excepted from the notice and public procedures requirements and it **may** be made effective in fewer than 30 days after publication in the Federal Register.

Drafting Information

The principal persons involved in drafting this document were William R. Register, and Frederick Presley, Office of the Chief Counsel, U.S. Coast Guard.

Discussion

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) provided for liability, compensation, **cleanup** and emergency **response** for hazardous substances released into the environment and the cleanup of **inactive** hazardous waste disposal sites. By **virture** of Executive Order 12316 of August 14, 1981, the President assigned responsibilities for **functions** under CERCLA to Federal departments and agencies, including DOT. The Secretary of Transportation in turn, delegated most of these functions to the Commandant of the Coast Guard for activities related to: Certification of financial responsibility for vessels; response to releases or threats of releases from vessels; immediate removal actions concerning releases or threats of releases at **facilities** other than active or inactive **hazardous** waste management **facilities**; and, to a somewhat more limited degree, immediate removal actions concerning releases or threats of releases at active or inactive **hazardous** waste management facilities. In addition, as allowed by Executive Order 12316, the Secretary redelegated the remainder of the functions which had been delegated to him relative to removal and **remedial actions** to the Administrator of the Environmental Protection Agency (EPA).

CERCLA was amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), which was enacted on October 17, 1986. Thereafter, President Reagan signed Executive Order 12580 on January 23, 1987, assigning responsibility for functions under CERCLA, as amended. Section ii(h) of Executive Order 12580 revoked Executive order 12316.

This document **revises** the CERCLA delegations to the Coast Guard, as published in Part 1 of Title 49, CFR, to include the Secretary's delegations to the Coast Guard under CERCLA, 8s amended by SARA, and Executive Order 12580. A copy of the revised redelegation of functions from the Secretary to the EPA is also included.

The redelegation is authorized under section 11(g) of Executive Order 12580.

List of Subjects in 49 CFR Part 1

Authority delegation8 (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

Authority: 49 U.S.C. 322.

2. Paragraphs (ff) and (gg) in § 1.46 are revised to read as follows:

§ 1.46 Delegations to commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to-

(ff) Carry out the functions vested in the Secretary by:

(1) Section 106(a)(3) Of the Comprehensive Environmental Response, Compensation, and Liability Act, 8s amended (42 U.S.C. 9608(a)(3)), and by sections 7(b)(1), 7(b)(2), and 7(c)(2) of Executive Order 12580 relating to vessel financial responsibility; and

(2) Sections 2(e)(1), 2(e)(2), 2(f), 2(f)(1), 2(j)(2), 2(k), 3(a), 4(b)(1), 4(b)(2), 6(c), 9(d), 9(i), and 11(b)(2) of Executive Order 12580 relating to facilities and vessels under the jurisdiction, custody, or control of the Coast Guard.

(gg) Carry out the functions, relating to releases or threatened releases involving the coastal zone, Great Lake8 waters, and ports and harbors, vested in the Secretary by sections 2(f), 2(f), 2(j)(2), 2(k), 4(c)(1), 4(c)(2), 5(b), 6(c), 9(d), Q(i), and 11(b)(2) of Executive Order 12580 insofar 8s they relate to:

(1) Responses to releases or threats of releases from vessels;

(2) Emergency action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 270.2); and

(3) Emergency action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" only when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Environmental Protection Agency (EPA) On-Scene Coordinator (OSC). Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFW Part 1

IOST Docket No. 1; Amdt. 1-222]

Delegation of Powers and Duties Under CERCLA

AGENCY: Office of the Secretary. DOT, ACTION: Final rule.

SUMMARY: This rule amends Title 49, Code of Federal Regulations, to include the delegation of authority from the Secretary to the Commandant of the U.S. Coast Guard with respect to certain functions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). President Reagan's Executive Order 12580 of January 23, 1987, assigned these functions to the Secretary.

EFFECTIVE DATE: December 11, 1987.

FOR FURTHER INFORMATION CONTACT: LCDR G.F. EPLER, Office of Marine Safety, Security and Environmental Protection (G-MER-2), Room 1203, U.S. Coast Guard Headquarters, 2100 2nd Street SW., Washington, DC 20593-0001 (202-287-0434) between 7:00 a.m. and 3:30 p.m. Monday through Friday, except Federal holidays.

exercised unless the EPA OSC is scheduled to arrive on scene within **48** hours of notification of the release or threat of release.

As used in this paragraph "emergency action" includes any removal action which, in the view of the Coast Guard On-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare, or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance; and the contamination of a drinking water supply. All functions listed in this paragraph include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

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Issued in Washington, DC, on November 29, 1987.

Jim Burnley,

Acting Secretary of Transportation.

[FR Doc. 8748524 Filed 12-10-87; 8:45 am]

BILLING CODE 4910-62-M

OFFICE OF THE SECRETARY**49 CFR PART 1**

[OST Docket No. 1 ; Amdt. 1-222]

Delegation of Powers and Duties Under CERCLA, As Amended

AGENCY: Department of Transportation, (DOT) Office of the Secretary

ACTION: Final rule

SUMMARY: This rule amends Title 49, Code of Federal Regulations, to include the delegation of authority from the Secretary to the Commandant of the U.S. Coast Guard with respect to certain functions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (-SARA). President Reagan's Executive Order 12580 of January 23, 1987, assigned these functions to the Secretary.

EFFECTIVE DATE: ~~(upon publication)~~ _____

FOR FURTHER INFORMATION CONTACT: LCDR G. F. EPLER, Office of Marine Safety, Security and Environmental Protection (G-MER-2), Room 1203, U.S. Coast Guard Headquarters, 2100 2nd Street, S.W., Washington, D.C. 20593-0001 (202-267-0434) between 7:00 a.m and 3:30 p.m Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practice, it is excepted from the notice and public procedures requirements and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

DRAFTING INFORMATION: The principal persons involved in drafting this document were William R. Register, and Frederick Presley, Office of the Chief Counsel, U.S. Coast Guard.

DISCUSSION: The Comprehensive Environmental Response, -Compensation, and Liability Act of 1980 (CERCLA) provided for liability, compensation, cleanup and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites. By virtue of Executive Order 12316 of August 14, 1981, the President assigned responsibilities for functions under CERCLA to Federal departments and agencies, including DOT. The Secretary of Transportation in turn, delegated most of these functions to the Commandant of the Coast Guard for activities related to: certification of financial responsibility for vessels; responses to releases or threats of releases from vessels; immediate removal actions concerning releases or threats of releases at facilities other than active or inactive hazardous waste management facilities; and, to a somewhat more limited degree, immediate removal actions concerning releases or threats of releases at active or inactive hazardous wastes management facilities. In addition, as allowed by Executive Order 12316, the Secretary redelegated the remainder of the functions which had been delegated to him relative to removal and remedial actions to the Administrator of the Environmental Protection Agency (EPA).

CERCLA was amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), which was enacted on October 17, 1986. Thereafter, President Reagan signed Executive

Order 12580 on January 23, 1987, assigning responsibility for functions under CERCLA, as amended. Section 11(h) of Executive Order 12580 revoked Executive Order 12316.

This document revises the CERCLA delegations to the Coast Guard, as published in Part 1 of Title 49, CFR, to include the Secretary's delegations to the Coast Guard under CERCLA, as amended by SARA, and Executive Order 12580. A copy of the revised redelegation of functions from the Secretary to the EPA is also included. The redelegation is authorized under Section 11(g) of Executive Order 12580.

PART 1 - ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

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

AUTHORITY: 49 U.S.C. 322

2. Paragraphs (ff) and (gg) in section 1.46 are revised to read as follows:

§1.46 Delegations to Commandant of the Coast Guard

The Commandant of the Coast Guard is delegated authority to

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* * * * *

(ff) Carry out the functions vested in the Secretary by

(1) Section 108(a) (3) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (42 U.S.C. 9608(a)(3)), and by sections 7(b)(1), 7(b)(2), and 7(c)(2) of Executive Order 12580 relating to vessel financial responsibility; and

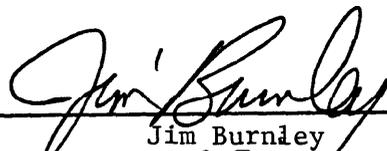
(2) Sections 2(e)(1), 2(e)(2), 2(i), 2(j)(1), 2(j)(2), **2(k)**, 3(a), 4(b)(1), 4(b)(2), 6(c), 9(d), 9(i), and 11(b)(2) of **Executive Order 12580 relating to facilities and vessels under the jurisdiction , custody, or control of the Coast Guard.**

(gg) Carry **out the functions**, relating to releases or threatened releases **involving the coastal zone**, Great Lakes waters, **and ports and harbors, vested in the Secretary by sections 2(f), 2(i), 2(j)(2), 2(k), 4(c)(1), 4(c)(2), 5(b), 6(c), 9(d), 9(i), and 11(b)(2) of Executive Order 12580** insofar as **they** relate to:

- (1) **Responses** to releases or threats **of** releases from vessels;
- (2) Emergency **action** concerning releases or threats **of** releases **at facilities** other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 270.2); and
- (3) Emergency **action** concerning releases or threats **of** releases at active or inactive "hazardous waste management facilities" **only when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Environmental Protection Agency (EPA) On-Scene Coordinator (OSC). Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat of release.**

As used in this paragraph "emergency action" includes any removal action which, in the view of the Coast Guard On-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare, or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance; and the contamination of a drinking water supply. All functions listed in this paragraph include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

ISSUED IN WASHINGTON, D.C. on 11/29/87.

151  (Acting)
Jim Burnley
Secretary of Transportation

CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL:


Linda W. Senese
Certifying Officer