customers to limited non-geographic numbers, requires a nationwide cut-over, and requires an initial change of telephone numbers to obtain portability.

II. Non-database methods

1. *Remote Call Forwarding (RCF).* RCF is an existing LEC service that redirects calls in the telephone network and can be adapted to provide a semblance of service provider number portability. If a customer transfers his or her existing telephone number from Carrier A to Carrier B, any call to that customer is routed to the central office switch operated by Carrier A that is designated by the NXX code of the customer's telephone number. Carrier A's switch routes that call to Carrier B, translating the dialed number into a number with an NXX corresponding to a switch operated by Carrier B. Carrier B then completes the routing of the call to its customer. The change in terminating carriers is transparent to the calling party. Disadvantages of RCF include the following: (1) It requires the use of two, ten-digit telephone numbers and thus strains number plan administration and contributes to area code exhaust; (2) it generally does not support several custom local area signalling services (CLASS), such as caller ID, and may degrade transmission quality, because it actually places a second call to a transparent telephone number; (3) it can handle only a limited number of calls to customers of the same competing service provider at any one time; (4) it may result in longer call set-up times; (5) it requires the use of the incumbent LEC network for routing of calls; (6) it may enable incumbents to access competitors' proprietary information; (7) it may result in more complicated resolution of customer complaints; (8) the potential for call blocking may be increased; and (9) it may impose substantial costs upon new entrants.

2. *Flexible Direct Inward Dialing (DID).* DID works similarly to RCF, except the original service provider routes calls to the dialed number over a dedicated facility to the new service provider's switch instead of translating the dialed number to a new number. DID has many of the same limitations as RCF, although DID can process more simultaneous calls to a competing service provider.

3. *Other.* We are aware of three derivatives of RCF and DID, all of which require routing of all incoming calls to the terminating switch identified by the NXX code of the dialed phone number, and involve the loss of CLASS functionalities. Unlike RCF and DID, they use LEC tandem switches to aggregate calls to a particular competing service provider before those calls are routed to that provider. In addition, Cablevision Lightpath advocates use of Trunk Route Indexing (TRI), which it claims routes calls directly to the competitor's interconnection facilities and supports CLASS features. Finally, Directory Number Route Indexing (DNRI) is a method which first routes incoming calls to the switch to which the NPA–NXX code originally was assigned. DNRI then routes ported calls to the new service either through a direct trunk or by attaching a temporary ''pseudo NPA'' to the number and using a tandem, depending on availability.

Note: This Appendix C will not be published in the Code of Federal Regulations.

Appendix C—Implementation Schedule

Implementation must be completed by the carriers in the relevant MSAs during the periods specified below:

10/97–12/97	
Chicago, IL	3
Philadelphia, PA	4
Atlanta, GA	8
New York, NY	2
Los Angeles, CA	1
Houston, TX	7
Minneapolis, MN	12
1/98–3/98	
Detroit, MI	6
Cleveland, OH	20
Washington, DC	5
Baltimore, MD	18
Miami, FL	24
Fort Lauderdale, FL	39
Orlando, FL	40
Cincinnati, OH	30
Tampa, FL	23
Boston, MA	9
Riverside, CA	10
San Diego, CA	14
Dallas, TX	11
St. Louis, MO	16
Phoenix, AZ	17
Seattle, WA	22
4/98–6/98	
Indianapolis, IN	34
Milwaukee, WI	35
Columbus, OH	38
Pittsburgh, PA	19
Newark, NJ	25
Norfolk, VA	32
New Orleans, LA	41
Charlotte, NC	43
Greensboro, NC	48
Nashville, TN	51
Las Vegas, NV	50
Nassau, NY	13
Buffalo, NY	44
Orange Co, CA	15
Oakland, CA	21
San Francisco, CA	29
Rochester, NY	49
Kansas City, KS	28
Fort Worth, TX	33
Hartford, CT	46
Denver, CO	26
Portland, OR	27
7/98–9/98	
Grand Rapids, MI	56
Dayton, OH	61
Akron, OH	73
Gary, IN	80
Bergen, NJ	42
Middlesex, NJ	52
Monmouth, NJ	54
Richmond, VA	63
Memphis, TN	53
Louisville, KY	57
Jacksonville, FL	58
Raleigh, NC	59
West Palm Beach, FL	62
Greenville, SC	66
Honolulu, HI	65
Providence, RI	47
Albany, NY	64
San Jose, CA	31
Sacramento, CA	36
Fresno, CA	68
San Antonio, TX	37
Oklahoma City, OK	55
Austin, TX	60
Salt Lake City, UT	45
Tucson, AZ	71
10/98–12/98	
Toledo, OH	81
Youngstown, OH	85
Ann Arbor, MI	95
Fort Wayne, IN	100
Scranton, PA	78
Allentown, PA	82
Harrisburg, PA	83
Jersey City, NJ	88
Wilmington, DE	89
Birmingham, AL	67
Knoxville, KY	79
Baton Rouge, LA	87
Charleston, SC	92
Sarasota, FL	93
Mobile, AL	96
Columbia, SC	98
Tulsa, OK	70
Syracuse, NY	69
Springfield, MA	86
Ventura, CA	72
Bakersfield, CA	84
Stockton, CA	94
Vallejo, CA	99
El Paso, TX	74
Little Rock, AR	90
Wichita, KS	97
New Haven, CT	91
Omaha, NE	75
Albuquerque, NM	76
Tacoma, WA	77

[FR Doc. 96–18477 Filed 7–24–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket HM–216; Amdt No. 172–148]

RIN 2137–AC66

Transportation of Hazardous Materials by Rail; Miscellaneous Amendments; Response to Petitions for Reconsideration

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

ACTION: Final rule; Response to petitions for reconsideration.

SUMMARY: RSPA is publishing a June 28, 1996 letter in which it denied petitions for reconsideration of a provision in the June 5, 1996 final rule in this proceeding which allowed rail shippers and carriers to discontinue use of the RESIDUE placard on June 30, 1996, three months in advance of the effective date of the June 5 final rule.

DATES: *Effective date:* The effective date for the final rule published under

Docket HM–216 on June 5, 1996 (61 FR 28666) remains October 1, 1996.

Compliance date: Voluntary compliance with the regulations, as amended in the final rule under Docket HM–216 on June 5, 1996, remains June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Beth Romo, telephone (202) 366– 8553, Office of Hazardous Materials Standards, Research and Special Programs Administration, Washington, DC 20590–0001, or James H. Rader, telephone (202) 366–0510, Office of Safety Assurance and Compliance, Federal Railroad Administration, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: On June 6, 1996, RSPA published a final rule which amended the Hazardous Materials Regulations to incorporate a number of changes to rail requirements. The effective date of the rule is October 1, 1996, but compliance with all of the changes made in the rule was permitted beginning June 30, 1996. RSPA received several petitions for reconsideration concerning one provision of the June 5, 1996 final rule allowing rail shippers and carriers to discontinue use of the RESIDUE placard on June 30, 1996. On June 28, 1996, RSPA denied the petitions for reconsideration in a letter which has been sent to each petitioner, each party writing in support of the petitions for reconsideration, and each party who submitted comments on the original proposal to discontinue use of the RESIDUE placard. The letter of denial included a statement of enforcement policy by the Federal Railroad Administration (FRA). This document publishes verbatim the letter of denial and FRA enforcement policy as follows:

June 28, 1996

By Facsimile

Mr. Charles Keller, Director, Bureau of Explosives, Association of American Railroads, 80 F Street, NW., Washington, DC 20001–1564

Mr. Jean Ouellette, Chairman, Dangerous Goods Subcommittee, Railway Association of Canada, 800 René-Lévesque Blvd. West, Suite 1105, Montreal, Quebec H3B 1X9, Canada.

Gentlemen: The Research and Special Programs Administration (RSPA) denies your petitions for reconsideration—and similar petitions submitted by the other parties identified below—of the provision in RSPA's final rule in Docket HM–216 that allows rail shippers and carriers to discontinue use of the ''RESIDUE'' placard on June 30, 1996.

The final rule in Docket HM–216 eliminates use of a ''RESIDUE'' placard, currently required only for the transportation of the residue of a hazardous material in a tank car. 49 C.F.R. 172.510, 172.526. See 61 FR 28666, 28667–68, 28676 (June 5, 1996). This change is effective on October 1, 1996; however, voluntary compliance with this change, and the other amendments made in HM–216 to the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171–180, is authorized on June 30, 1996. 61 Fed. Reg. 28666. In the absence of this June 30 voluntary compliance date, rail shippers and carriers would be required to continue use of the ''RESIDUE'' placard until September 30, 1996, and then begin using (on tank cars holding only a residue of a hazardous material) the placard required for a tank car containing a full load of the applicable hazardous material with respect to shipments on and after October 1, 1996.

In a June 14, 1996 facsimile memorandum, the Association of American Railroads (AAR) petitioned RSPA to postpone the June 30, 1996 voluntary compliance date for elimination of the ''RESIDUE'' placard until September 1, 1996. AAR stated that, with the June 30, 1996 voluntary compliance date, shippers could discontinue using the ''RESIDUE'' placard before rail carriers had sufficient time before June 30 to issue instructions and train their personnel with regard to this change. AAR cautioned that the lack of time to train rail carrier personnel would create ''a very real chance that tank cars will be delayed due to crew confusion, a situation that is not in the interest of safety.''

Similar petitions for reconsideration were also submitted by the Burlington Northern Santa Fe Railroad (BNSF), Consolidated Rail Corporation, the Illinois Central Railroad, and the Norfolk Southern Corporation (NS). In addition, CSX Transportation Company, the Kansas City Southern Railway, the Soo Line Railroad, and the Union Pacific Railroad expressed support for AAR's petition. BNSF and NS also stated that the June 30 voluntary compliance date did not allow sufficient time to make changes to their computer programming systems.

In a June 18, 1996 letter, the Railway Association of Canada (RAC) asked RSPA to postpone the elimination of the ''RESIDUE'' placard ''until a harmonization of all train marshaling rules in both the United States and Canada can be achieved'' or, in the alternative, until September 1, 1996, as requested by AAR. RAC stated that the June 30 voluntary compliance date did not allow sufficient time for training personnel and modifying computer systems. RAC expressed concern that there would be ''delays to hazardous materials traffic due to confusion by the train crews.'' Requests similar to that of RAC were submitted by the Canadian National Railroad and the Canadian Fertilizer Institute. The Canadian Chemical Producers'' Association (CCPA) wrote in support of RAC's request.

In a June 24, 1996 letter, the Chemical Manufacturers Association (CMA) expressed ''qualified support for the recent petitions for reconsideration submitted by'' AAR and CCPA, but suggested that RSPA not allow shippers to discontinue use of the ''RESIDUE'' placard before October 1, 1996. CMA stated that its concerns about insufficient time for training rail carrier personnel and ''confusion and safety concerns among the emergency response community'' would also exist during a September 1–October 1 ''voluntary compliance window.'' CMA also stated its assumption that RSPA would ''address enforcement-related issues for empty tank cars placarded as a residue which are in-transit at the time of the effective date of the rule.''

RSPA does not believe the concerns expressed by these parties justify postponement of the June 30, 1996 voluntary compliance date. Between June 30 and October 1, 1996, a tank car containing the residue of a hazardous material may bear ''RESIDUE'' placards or the placards that were required to be affixed to the tank car when it was full. On and after October 1, 1996, the ''RESIDUE'' placard may no longer be used, and the ''loaded'' car placard is required for a tank car containing a residue.

From the standpoint of rail operations, train placement of the car is the only difference between treatment of a tank car fully loaded with a hazardous material and one containing a residue. 49 C.F.R. § 174.85. The discontinuance of the ''RESIDUE'' placard simply means that train placement must be done based on the shipping paper (or electronic data interchange, as discussed in comments submitted in HM–216, see 61 FR at 28669). RSPA understands that this is generally the present means of car placement (rather than relying on the placard). Therefore, the major ''training'' needed is to inform rail carrier employees that an apparently misplaced tank car may in fact be properly placed and that the shipping papers will resolve that fact. Because the HMR's underlying rules on train placement have not changed, there is no reason to postpone discontinuance of the ''RESIDUE'' placard until a later proceeding to consider harmonization of the HMR with Canadian regulations in this respect.

A fundamental reason for allowing voluntary compliance before the effective date is to provide time for carriers to train their employees about this change, during the three-month voluntary compliance period, rather than requiring adherence to the ''old'' rules until the eve of the effective date. Allowing voluntary compliance here is consistent with RSPA's past practice in amending the HMR, including the extensive changes in packaging authorizations and hazard communications made in Docket No. HM–181. See 55 FR 52402 (Dec. 21, 1990) (voluntary compliance allowed beginning January 1, 1991, eleven days after publication of the final rule).

Both RSPA and the Federal Railroad Administration (FRA) envision the three-month voluntary compliance period as allowing rail carriers to ''debug'' their systems, both with respect to operating personnel and computer programs. Accordingly, FRA has developed a policy that will consider this as a ''learning'' period. A copy is attached. This policy should allow rail carriers to modify their computer programming systems during the three-month transition period.

For the above reasons, RSPA is denying these petitions for reconsideration.

Sincerely,

[signed]

Kelley S. Coyner,

Deputy Administrator.

Attachment

cc: Mr. David E. Edington, Manager, Hazardous Materials, Burlington Northern Santa Fe Railroad
Mr. J.R. McNally, General Manager, Hazardous Materials Systems, Consolidated Rail Corporation
Mr. Steve H. Huff, Director Operating Practices, Hazardous Materials/Special Services, CSX Transportation
Mr. Michael A. De Smedt, Manager Hazardous Materials Transportation, Illinois Central Railroad
Mr. J.W. Talley, Superintendent of Hazardous Materials Control, The Kansas City Southern Railway Company
Mr. D.L. Schoendorfer, Manager Hazardous Materials, Norfolk Southern Corporation, Environmental Protection
Mr. Phillip Marbut, Field Manager Hazardous Materials & Emergency Response, Soo Line Railroad Company
Pat Student, Manager, Technical Research, Chemical Transportation Safety, Union Pacific Railroad Company
Mr. Achille P. Ferrusi, Assistant Vice President, Safety & Regulatory Affairs, Canadian National
Mr. David M. Finlayson, Canadian Chemical Producers' Association
Mr. Jim Farrell, Manager, Technical Affairs, Canadian Fertilizer Institute
Mr. Frank J. Principi, Associate Director, Distribution Safety & Economic Programs, Chemical Manufacturers Association.

Explanation of FRA Enforcement Policy

Elimination of the ''Residue'' Placard, Placard Notation, and Placard Endorsement

On June 5, 1996, the Research and Special Programs Administration (RSPA) published a final rule in docket HM–216 (61 FR 28665). The final rule amended the Hazardous Materials Regulations (HMR) to incorporate a number of changes based on petitions from the railroad and shipping industries and on RSPA's own initiative. In order to facilitate an early transition form the pre-HM–216 regulations to the new standards, FRA is making this statement of enforcement policy with respect to the elimination of the placard notation, endorsement, and RESIDUE placard. This policy statement does not alter or add to the final rule, but offers guidance to railroads and shippers concerning the voluntary compliance period.

First, FRA will continue to expect accurate shipping descriptions during and after the transition period.

Second, FRA will continue to expect that the placard on a rail shipment of a hazardous material will accurately reflect the class of the commodity in the car and, if the identification numbers appear on the placard, that they will be accurate.

Third, FRA will expect shippers to offer tank cars consistently placarded, for example, if a RESIDUE placard is displayed at one location, the other three locations will also display RESIDUE placards.

Fourth, FRA will expect shippers to discontinue use of the RESIDUE placard after September 30, 1996, although cars offered before that date may continue their transportation cycle back to the loading point with RESIDUE placards.

Fifth, FRA expects railroads and shippers to train their employees about the new requirements to ensure an orderly transition before October 1, 1996. FRA believes that this phase-in period will help railroads and shippers ''de-bug'' automated systems such as electronic data interchange programs before the mandatory deadline.

FRA is aware that some entities are concerned that, during the voluntary compliance period, a shipping document may carry the RESIDUE placard notation (e.g., Placarded: Flammable—RESIDUE) while the car displays the traditional ''loaded'' placard. As noted above, if the shipping description is accurate and the placards are for the correct class (and carry the correct UN/NA number as appropriate), FRA will take no exception. Further, the final rule in this docket eliminates the requirement for the placard endorsement and notation, but does not prohibit their use. Shippers and carriers may continue to use this information, and to display it on shipping and movement documents, as they wish.

FRA and RSPA are aware of the problems created when regulatory changes require many companies in different industries to change their procedures and processes. We intend to be flexible in achieving full compliance and we urge the shipping and transporting companies involved to work with each other towards the enhancements in Docket HM–216. For example, shipping and transportation companies may mutually agree on a date prior to October 1, 1996 by which they will implement the changes recently published.

During the transition period for implementing requirements based on the UN Recommendations (Docket HM–181), RSPA adopted regulations in § 171.14 (popularly called ''mix & match''), that recognized the impossibility of bringing everything into phase at one instant. FRA will enforce the rules promulgated in Docket HM–216 in the same spirit.

For further information contact James H. Rader (Telephone 202–366–0510), Hazardous Materials Division; Thomas A. Phemister (Telephone 202–366–0635), Trial Attorney, Office of Chief Counsel, FRA, Washington D.C. 20590–0001.

Office of Safety Assurance and Compliance

June 27, 1996

Issued in Washington, DC, on July 18, 1996, under authority delegated in 49 CFR part 1.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 96–18822 Filed 7–24–96; 8:45 am]

BILLING CODE 4910–60–P

Federal Railroad Administration

49 CFR Part 209

RIN 2130–AB00

Federal Railroad Administration Enforcement of the Hazardous Materials Regulations: Penalty Guidelines

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

ACTION: Policy statement; final rule.

SUMMARY: FRA is publishing the penalty guideline amounts it uses in initial determinations of proposed civil penalty assessments for documented violations of DOT's Hazardous Materials Regulations. This action will make those against whom FRA enforces the Hazardous Materials Regulations more aware of the potential consequences for documented violations. FRA intends the publication of these penalty guidelines to increase compliance with the Hazardous Materials Regulations and, thereby, to enhance safety. FRA is also revising its enforcement procedures to reflect the current statutory minimum and maximum penalties for violations of the Federal hazardous materials transportation safety laws.

EFFECTIVE DATE: These guidelines, and the final rule amendments, are effective July 25, 1996.

FOR FURTHER INFORMATION CONTACT: Raymond V. Kasey, Hazardous Materials Specialist, Office of Safety Assurance and Compliance, (202) 366–6769; or Thomas A. Phemister, Trial Attorney, Office of the Chief Counsel, (202) 366–0628, Federal Railroad Administration, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: FRA promulgates and enforces regulations implementing the Federal railroad safety laws, 49 U.S.C. 20101 *et seq.*; 49 CFR 1.49, Parts 209, 213–240. For railroads and those who ship hazardous materials by railroad, FRA enforces regulations implementing the Federal hazardous materials transportation safety laws, 49 U.S.C. 5101 *et seq.*; 49 CFR 1.49(s), 107, 171–180. FRA works with its partner DOT agency, the Research and Special Programs Administration (RSPA), in the promulgation of railroad-oriented regulations implementing the Federal hazardous materials transportation law.

In all areas of its railroad safety enforcement authority except hazardous materials, FRA's traditional practice has been to issue a penalty schedule