

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR Part 107

[Docket No. RSPA-99-5137 (HM-208C)]

RIN 2137-AD17

**Hazardous Materials Transportation;
Registration and Fee Assessment
Program; Extension of Comment
Period and Announcement of Second
Public Meeting**AGENCY: Research and Special Programs
Administration (RSPA), DOT.ACTION: Proposed rule; extension of time
to file comments and public meeting
announcement.

SUMMARY: On April 15, 1999, RSPA published a proposed rule to change the current registration and fee assessment program for persons who transport or offer for transportation certain categories and quantities of hazardous materials. RSPA is extending until July 2, 1999, the period for filing comments to the notice of proposed rulemaking (NPRM). RSPA will conduct a second public meeting on June 22, 1999, in Des Moines, Iowa.

DATES: *Comment Date.* Comments must be received on or before July 2, 1999.

Public Meeting Date. A second public meeting will be held on June 22, 1999, from 9:00 a.m. to 1:30 p.m.

ADDRESSES: *Written Comments:* Address comments to the Dockets Management System, U.S. Department of Transportation, PL 401, 400 Seventh St., SW, Washington, DC 20590-0001. Comments should identify the docket number, RSPA 99-5137 (HM-208C), and should be submitted in two copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Management System is located on the Plaza Level of the Nassif Building, at the above address. Public dockets may be reviewed between the hours of 10:00 a.m. to 5:00 p.m., Monday through Friday, excluding Federal holidays. In addition, comments can be reviewed by accessing the DOT Homepage (<http://www.dot.gov>). You may also submit comments to the docket electronically. To do so, log on the DMS Web at <http://dms.dot.gov>. Click on Help & Information to obtain instructions for filing a document electronically. In every case, the comment should refer to the Docket number set forth above.

Public Meeting: The public meeting will be held in Des Moines, Iowa, at 717 East Court Avenue, Des Moines, Iowa. For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact Ms. Deborah Boothe at the address or phone number listed under "FOR FURTHER INFORMATION CONTACT" as soon as possible.

FOR FURTHER INFORMATION CONTACT: Mr. David Donaldson, Office of Hazardous Materials Planning and Analysis, (202) 366-4484, or Ms. Deborah Boothe, Office of Hazardous Materials Standards, (202) 366-8553, RSPA, Department of Transportation, 400 Seventh Street SW, Washington, DC. Persons wishing to attend and/or speak at the public meeting should contact the persons listed above.

SUPPLEMENTARY INFORMATION: On April 15, 1999, RSPA published an NPRM in the **Federal Register** under Docket RSPA-99-5137 (HM-208C) (64 FR 18786). RSPA proposed in the NPRM to amend certain requirements in the current registration and fee assessment program for persons who transport or offer for transportation certain categories and quantities of hazardous materials. The proposed changes would increase (1) the number of persons required to register and (2) the annual registration fee for shippers and carriers who are not a small business under Small Business Administration criteria. The proposed changes are intended to raise additional funds to enhance support for the national Hazardous Materials Emergency Preparedness Grants Program. The NPRM also announced a public meeting on May 25, 1999, in Washington, DC, to discuss the proposed changes.

The Illinois Fertilizer and Chemical Association and the Michigan Agri-Business Association have asked RSPA to hold a second public meeting in the Midwest to discuss the proposals in the NPRM. These associations suggested five cities, including Des Moines, as possible locations for this meeting. RSPA agrees with their request and is scheduling a second public meeting for June 22, 1999, in Des Moines, Iowa. In order to allow sufficient time for interested parties to submit comments on the NPRM after this public meeting, RSPA is also extending the comment period to July 2, 1999.

RSPA invites all interested parties to submit comments on the proposals in the NPRM and on a suggestion by the Iowa Department of Transportation's (IDOT) Office of Motor Vehicle Enforcement to expand the registration

requirement to apply to any person who offers or transports "shipments that are required to be marked and/or placarded," including marine pollutants, class 9 materials and cryogenics. IDOT's letter, which also raises concerns about RSPA's proposal for two levels of registration fees, is set forth in Appendix A.

Issued in Washington DC on May 20, 1999.

Robert A. McGuire,

*Deputy Associate Administrator for
Hazardous Materials Safety.*

Appendix A

May 6, 1999.

Dockets Unit, U.S. Department of
Transportation, Room PL 401, 400
Seventh Street, SW, Washington, DC
20590-0001.

Dear Docket Clerk: The Iowa Department of Transportation's Office of Motor Vehicle Enforcement offers the following comments to Docket HM-208C:

We support expanding the base of persons required to register. However, we would like to see the registration program include shipments that are required to be marked and/or placarded. This would include marine pollutants, class 9 materials and cryogenics.

To simplify matters the applicability should read as follows:

The registration and fee requirements of this subpart apply to any person who offers for transportation, or transports in foreign, interstate or intrastate commerce.

A type or quantity of Hazardous Materials that requires placarding, marine pollutant marking or the display of identification numbers on placards, white square on point configurations or orange panels.

This section does not apply to those activities of a [farmer], as defined in section 171.8 of this chapter, that are [in direct] support of the farmers farming operations.

The concept of a tiered program may be more difficult to implement than expected. Basing it on gross revenue of a company's total operation is unfair to say the least. They may have a high gross revenue, but only a small percentage is derived from Hazardous Materials activities.

By lowering the registration threshold quantity, more offerors and carriers would be required to register. Keep it simple, if you offer or transport HM in quantities that require placarding, or the [marine] (sic) pollutant mark, or the display of identification numbers on placards, white square on point configurations or orange panels you must register.

Sincerely,

Michael L. Winfrey,

Director, Motor Vehicle Enforcement.

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