

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 107 and 171**

[Docket No. HM-208; Notice No. 93-6]

RIN 2137-AB43

Hazardous Materials Transportation; Registration and Fee Assessment Program

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

ACTION: Filing requirements.

SUMMARY: The Hazardous Materials Registration Program is now in effect. Persons who transport or offer for transportation certain hazardous materials are required to annually file a registration statement and pay a fee to the Department of Transportation.

FOR FURTHER INFORMATION CONTACT: David W. Donaldson, Office of Hazardous Materials Planning and Analysis (202-366-4109), Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: This notice is intended to serve as a further notification to persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the Department of Transportation. A final rule implementing this requirement was published in the *Federal Register* on July 9, 1992 (57 FR 30620-20633), a clarification on July 28, 1992 (57 FR 33416-33417), editorial revisions on August 21, 1992 (57 FR 37900-37902), and a formal interpretation of the terms "offeror" and "transporter" on October 28, 1992 (57 FR 48739-48741). The final rule required that after September 15, 1992, each person, as defined by the Hazardous Materials Transportation Act, who engages in any of the specified activities relating to the transportation of hazardous materials register annually with the Department of Transportation and pay a fee. Proceeds will be used to fund grants to State and Indian tribal governments for emergency response planning and training.

The persons affected by this rule include those who offer or transport in commerce any of the following materials:

- A. Any highway route-controlled quantity of a Class 7 (radioactive) material;
- B. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight

container;

- C. More than one liter (1.06 quarts) per package of a material extremely toxic by inhalation (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A);
- D. A hazardous material in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids; or
- E. A shipment of 2,268 kilograms (5,000 pounds) gross weight or more (in other than a bulk packaging) of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class.

The requirement that a copy of the registration certificate, or another document carrying the Registration Number, be carried in each motor vehicle transporting a covered hazardous material is now in effect.

These registration regulations are now in effect. Any person engaging in any of the specified activities who has not filed a registration statement and paid the associated fee of \$300.00 should contact RSPA to obtain the required form (DOT F 5800.2). Persons who engage (or have engaged since September 16, 1992) in any of the specified activities but fail to register for the registration year in which that activity occurred are subject to civil penalties for each day a covered function is performed. The legal obligation to register for a year in which any of the specified activities was conducted does not end with the registration year. Registration after the completion of a registration year may also involve the imposition of a late fee and interest in addition to a civil penalty.

The 1992-93 registration year ends on June 30, 1993. The 1993-94 registration year will commence on July 1, 1993, and end on June 30, 1994. Persons who register during the 1992-93 year will be sent a registration statement form and explanatory information in April 1993 by RSPA. Others wishing to obtain the form and any other information relating to this program should contact the program number given above. RSPA will accept 1993-94 registrations beginning April 15, 1993. Registrants should use the 1993-94 registration statement form, which incorporates several revisions from the 1992-93 form. Registrants should file a registration statement and pay the associated fee in advance of July 1, 1993. They need to ensure that a 1993-94 Registration Number has been provided by that date to comply with the recordkeeping requirements,

including the requirement that the number be made available on board each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the registration requirements. A Certificate of Registration is generally mailed within three weeks of RSPA's receipt of a Registration Statement.

Dated: February 16, 1993.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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49 CFR Part 198

[Docket No. PS-119; Amdt. 198-1]

RIN 2137-AC12

Allocation Formula for State Grants

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

ACTION: Final rule.

SUMMARY: This final rule codifies the formula for allocating federal pipeline safety grants to states. Codification is particularly appropriate at this time, as the formula is undergoing major revision to make it predominantly performance based. Formula revisions are being phased in over several years, allowing states time to take steps to meet performance factors. These factors cover state field operations as well as procedural compliance with federal requirements. A particularly critical component of performance is state assumption of safety jurisdiction over all intrastate pipeline facilities subject to the minimum federal pipeline safety regulations. A performance-based formula should lead to improved program effectiveness and, ultimately, to increased public safety.

EFFECTIVE DATE: This rule takes effect March 25, 1993.

FOR FURTHER INFORMATION CONTACT: G. Tom Fortner, 202-366-4564, or Karen Sagett, 202-366-4577.

SUPPLEMENTARY INFORMATION:

Background

The Natural Gas Pipeline Safety Act of 1968 (NGPSA), as amended, and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPESA), as amended, authorize DOT to provide up to 50 percent of the cost of personnel, equipment, and activities reasonably required by a state to carry out a pipeline safety program. From 1971 through 1980, grant appropriations were sufficient to fund 50 percent of each state's program