

from the Hazardous Materials Advisory Council, Suite 250, 1110 Vermont Ave., NW., Washington, DC 20005; telephone number (202) 289-4550.

Issued in Washington, DC, on June 9, 1995.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 95-14563 Filed 6-13-95; 8:45 am]

BILLING CODE 4910-60-M

[Docket No. HM-208; Notice No. 95-8]

### **Hazardous Materials Transportation; Registration and Fee Assessment Program**

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

**ACTION:** Notice of filing requirements.

**SUMMARY:** The Hazardous Materials Registration Program will enter Registration Year 1995-96 on July 1, 1995. 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. Persons who registered for the 1994-95 Registration Year were mailed a Registration Statement form and informational brochure.

**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 notify persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the Department of Transportation. Each person, as defined by the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*), who engages in any of the specified activities relating to the transportation of hazardous materials is required to register annually with the Department of Transportation and pay a \$250 registration fee (plus a separate \$50 processing fee). The regulations implementing this program are in Title 49, Code of Federal Regulations, §§ 107.601-107.620.

Proceeds are used to fund grants to State and Indian tribal governments for emergency response training and planning. Grants were awarded to all states, five territories, and 11 Native American tribes during FY 1994. By law, 75 percent of the Federal grant monies is further distributed to local emergency response and planning agencies. The FY 1993 funds helped to provide (1) over 500 commodity flow

studies and hazard analyses, (2) over 1,000 emergency response plans updated or written for the first time, (3) assistance to over 1,200 local emergency planning committees, (4) over 600 emergency exercises, and (5) training for over 200,000 emergency response personnel.

The persons affected by these requirements are 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, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class.

The 1994-95 registration year ends on June 30, 1995. The 1995-96 Registration Year will begin on July 1, 1995, and end on June 30, 1996. Any person who engages in any of the specified activities during that period must file a Registration Statement and pay the associated fee of \$300.00 before July 1, 1995, or before engaging in any of the activities, whichever is later. All persons who registered for the 1994-95 Registration Year have been mailed a Registration Statement form and an informational brochure. Other persons wishing to obtain the form and any other information relating to this program should contact the program number given above.

The Registration Statement has not been revised for the 1995-96 Registration Year. The informational brochure has been revised to be more customer oriented and to provide some information that was not previously included in the brochure. Registrants should file a registration statement and pay the associated fee in advance of July 1, 1995, in order to ensure that a 1995-96 Certificate of Registration has been provided by that date to comply with the recordkeeping requirements, including the requirement that the

registration number be made available on board each truck and truck tractor (not including trailers and semi-trailers) and each vessel 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.

Persons who engage in any of the specified activities during a Registration Year are required to register for that year. Persons who engaged in these activities during Registration Year 1992-93 (September 16, 1992, through June 30, 1993), 1993-94 (July 1, 1993, through June 30, 1994), or 1994-95 (July 1, 1994, through June 30, 1995) and have not filed a registration statement and paid the associated fee of \$300.00 for each year for which registration is required should contact RSPA to obtain the required form (DOT F 5800.2). A copy of the form being distributed for the 1995-96 Registration Year may be used to register for previous years. Persons who fail to register for any registration year in which they engaged in such activities are subject to civil penalties for each day a covered activity is performed. The legal obligation to register for a year in which any specified activity 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.

During the 1995-96 Registration Year, RSPA is continuing to participate with the Public Utilities Commission of Ohio (PUCO) in a pilot test of an alternate procedure for filing the Federal Registration Statement for motor carriers who are also subject to the State of Ohio's registration program. Ohio Revised Code Section 4905.80 requires that motor carriers transporting in or through Ohio hazardous materials that must be placarded, require the display of vehicle markings, or must be manifested register with PUCO. Motor carriers who are subject to both the Federal registration requirements and the PUCO requirements may obtain further information from the PUCO at 614-466-7232.

On January 30, 1995, RSPA published a notice of proposed rulemaking in the **Federal Register** requesting comments on several proposed changes to the registration program. Over 350 comments were submitted in response. After reviewing the comments and evaluating the options available to the Department, RSPA decided to maintain the total fee for registration and processing at \$300 rather than to implement a graduated fee schedule

based on measurements of involvement in the transportation of hazardous materials. Two minor changes will be adopted for the 1996-97 Registration Year: (1) Foreign offerors will be permanently excepted from the registration requirement as long as the country in which they are domiciled does not impose a registration or a fee upon U.S. companies for offering hazardous materials into that country, and (2) the definition of "materials extremely toxic by inhalation" will be expanded to include all materials poisonous by inhalation that meet the criteria for hazard zone A. For more information, see the Final Rule on Docket HM-208B published in the **Federal Register** on May 23, 1995 (60 FR 27231).

Dated: June 9, 1995.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 95-14565 Filed 6-13-95; 8:45 am]

BILLING CODE 4910-60-P

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### **Dates and Draft Agenda of the Ninth Session of the Scientific Subcommittee of the World Customs Organization**

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Publication of the dates and draft agenda of the ninth session of the Scientific Subcommittee of the World Customs Organization.

**SUMMARY:** This notice sets forth the dates and draft agenda for the next session of the Scientific Subcommittee of the World Customs Organization.

**DATES:** June 7, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ira Reese, Office of Laboratories and Scientific Services, U.S. Customs Service (202-927-1060).

**SUPPLEMENTARY INFORMATION:**

**Background**

The United States is a contracting party to the International Convention on the Harmonized Commodity Description and Coding System ("Harmonized System Convention"). The Harmonized Commodity Description and Coding System ("Harmonized System"), an international nomenclature system, forms the core of the U.S. tariff, the Harmonized Tariff Schedule of the United States. The Harmonized System Convention is under the jurisdiction of the World Customs Organization ("WCO") (established as the Customs Cooperation Council).

Article 6 of the Harmonized System Convention establishes a Harmonized System Committee ("HSC"). The HSC is composed of representatives from each of the contracting parties to the Harmonized System Convention. The HSC's responsibilities include issuing classification decisions on the

interpretation of the Harmonized System. Those decisions may take the form of published tariff classification opinions concerning the classification of an article under the Harmonized System or amendments to the Explanatory Notes to the Harmonized System. The HSC also considers amendments to the legal text of the Harmonized System. The HSC meets twice a year in Brussels, Belgium.

The HSC is often assisted in its technical work by the Scientific Subcommittee ("SSC"). The SSC is an advisory body of the WCO on questions involving technical matters. Generally, its members are representatives from the customs laboratories of WCO members. The SSC assists the HSC by providing technical advice on questions referred to it by the HSC. The SSC usually meets once a year in Brussels, Belgium. This year, however, it will meet twice (as it already met last January). The next session of the SSC will be its ninth, and it will be held from June 26 to June 30, 1995.

The U.S. Department of the Treasury, represented by the U.S. Customs Service, will represent the U.S. government at the sessions of the SSC.

Set forth below is the draft agenda for the next session of the SSC. Copies of available agenda-item documents may be obtained from the above-listed individual. Comments on agenda items may be directed to that same individual.

**Lyal V.S. Hood,**

*Acting Director, Office of Laboratories and Scientific Services.*