

- Rule 74.6 Surface Cleaning and Degreasing (Adopted 5/8/90)
- Rule 74.6.1 Cold Cleaning Operations (Adopted 9/12/89)
- Rule 74.6.2 Batch Loaded Vapor Degreasing Operations (Adopted 9/12/89)
- Rule 74.7 Fugitive Emissions of Reactive Organic Compounds (ROC) at Petroleum Refineries and Chemical Plants (Adopted 10/10/95)
- Rule 74.8 Refinery Vacuum Producing Systems, Waste-water Separators and Process Turnarounds (Adopted 7/5/83)
- Rule 74.9 Stationary Internal Combustion Engines (Adopted 12/21/93)
- Rule 74.10 Components at Crude Oil Production Facilities and Natural Gas Production and Processing Facilities (Adopted 6/16/92)
- Rule 74.11 Natural Gas-Fired Residential Water Heaters-Control of NO_x (Adopted 4/9/85)
- Rule 74.12 Surface Coating of Metal Parts and Products (Adopted 12/13/94)
- Rule 74.15 Boilers, Steam Generators and Process Heaters (5MM BTUs and greater) (Adopted 11/8/94)
- Rule 74.15.1 Boilers, Steam Generators and Process Heaters (1–5MM BTUs)(Adopted 6/13/95)
- Rule 74.16 Oil Field Drilling Operations (Adopted 1/8/91)
- Rule 74.20 Adhesives and Sealants (Adopted 6/8/93)
- Rule 74.23 Stationary Gas Turbines (Adopted 10/10/95)
- Rule 74.24 Marine Coating Operations (Adopted 3/8/94)
- Rule 74.26 Crude Oil Storage Tank Degassing Operations (Adopted 11/8/94)
- Rule 74.27 Gasoline and ROC Liquid Storage Tank Degassing Operations (Adopted 11/8/94)
- Rule 74.28 Asphalt Roofing Operations (Adopted 5/10/94)
- Rule 74.30 Wood Products Coatings (Adopted 5/17/94)
- Rule 75 Circumvention (Adopted 11/27/78)
- Rule 76 Federally Enforceable Limits on Potential to Emit (Adopted 10/10/95)
- Appendix IV–A Soap Bubble Tests (Adopted 12/86)
- Rule 100 Analytical Methods (Adopted 7/18/72)
- Rule 101 Sampling and Testing Facilities (Adopted 5/23/72)
- Rule 102 Source Tests (Adopted 11/21/78)
- Rule 103 Stack Monitoring (Adopted 6/4/91)
- Rule 154 Stage 1 Episode Actions (Adopted 9/17/91)
- Rule 155 Stage 2 Episode Actions (Adopted 9/17/91)
- Rule 156 Stage 3 Episode Actions (Adopted 9/17/91)
- Rule 158 Source Abatement Plans (Adopted 9/17/91)
- Rule 159 Traffic Abatement Procedures (Adopted 9/17/91)
- Rule 220 General Conformity (Adopted 5/9/95)

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[FR Doc. 96–17458 Filed 7–8–96; 8:45 am]

BILLING CODE 6050–50–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 397

[FHWA Docket No. MC–96–10]

Recommendations on Uniform Forms and Procedures for the Transportation of Hazardous Materials

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of report availability; request for comments.

SUMMARY: The FHWA is requesting public comment on the final report and recommendations of the Alliance for Uniform HazMat Transportation Procedures (the Alliance) concerning the implementation of 49 U.S.C. 5119—formerly referred to as section 22 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA). Section 5119 requires the Secretary of Transportation (the Secretary) to establish a working group of State and local government officials to establish uniform forms and procedures for the registration of persons that transport hazardous materials by motor vehicle, and to decide whether to limit the filing of State registration and permit forms and the collection of filing fees. The Alliance is the working group created to fulfill the requirements of the HMTUSA, and accordingly, has published its final report with recommendations which is now available to the public.

DATES: Written comments must be received on or before November 6, 1996.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC–96–10, room 4232, HCC–10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D. C. 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Motor Carrier Research and Standards, (202) 366–4009; Mr. James D. McCauley, Office of Motor Carrier Safety and Technology, (202) 366–9579; or Mr. Raymond W. Cuprill, Office of Chief Counsel, (202) 366–0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D. C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Section 5119 of Title 49, United States Code, requires that the Secretary establish a working group of State and local government officials to develop recommendations on uniform forms and procedures that the States can use to register and permit persons that transport, or cause the transportation of, hazardous materials by motor vehicle. The working group is also required to make recommendations as to whether the filing of registration and permit forms, and the collection of related fees, should be limited to the State in which a person resides or has its principal place of business. In developing its recommendations, the group is required to consult with persons who are subject to these registration and permit requirements. The recommendations of the working group are to be included in a final report to the Secretary of Transportation.¹ Finally, section 5119 requires the issuance of regulations implementing those recommendations with which the Secretary agrees.

Section 5119 was originally enacted as section 22 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (Pub. L. 101–615, 104 Stat. 3244; November 16, 1990). The HMTUSA amended the Hazardous Materials Transportation Act of 1974 (HMTA), Public Law 93–633, 88 Stat. 2156, which granted regulatory and enforcement authority to the Secretary to provide adequate protection against the risks to life and property inherent in the transportation of hazardous materials in commerce. The HMTA was designed to replace a patchwork of State and Federal laws and regulations concerning hazardous materials transportation with a scheme of uniform, national regulations. The HMTA and HMTUSA were repealed by Public Law 103–272 (108 Stat. 745, 1379; July 5, 1994) with the statutory provisions applicable to the transportation of hazardous materials recodified at 49 U.S.C. 5101 *et seq.*

Implementation of Section 5119

A. Creation of the Alliance for Uniform HazMat Transportation Procedures

In 1991, the National Governors' Association (NGA) and the National Conference of State Legislatures (NCSL) were awarded a contract to coordinate the staffing and operations of the

¹ The report is to be also submitted to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Public Works and Transportation of the House of Representatives.

working group. The NGA and NCSL presented recommendations to the Secretary for the establishment of a panel to carry out the tasks of the working group. The panel was approved by the Secretary and held its first meeting in January 1992, at which time it selected the title "the Alliance for Uniform HazMat Transportation Procedures" or "the Alliance."

The Alliance authorized the formation of four subgroups to address specific areas of State hazardous materials transportation regulation. Industry representatives were invited to participate in the subgroups. The subgroups were:

1. Shipper and Carrier Registration Subgroup;
2. Shipper and Carrier Permitting and Licensing Subgroup;
3. Operational Issues Subgroup; and,
4. Audit and Enforcement Subgroup.

Each subgroup was asked to examine current State practices, identify the extent to which State practices are uniform, identify barriers to uniformity, and make recommendations for criteria on which a uniform State program would be based.

One of the key decisions to come out of the registration subgroup concerned shippers. After reviewing results from surveys of the States, the subgroup decided not to recommend a shipper registration program separate from the Federal program operated by the Research and Special Programs Administration (RSPA).² (The RSPA's hazardous materials registration and fee assessment program are discussed later in this document.) Therefore, the following discussion of the Alliance's program only pertains to motor carriers.

B. Pilot Study

In May of 1992, the Alliance proceeded with the design and implementation of a two-year pilot project. The project was based upon the following assumptions/recommendations:

1. Base-state system for registration and collection of fees;
2. Reciprocity between states that require permits;
3. Additional information for hazardous waste transporters;
4. Individual state enforcement authority;
5. Participation by localities; and,
6. Establishment of a governing board to manage the pilot project.

Based upon the Alliance's recommendations, the FHWA funded a two-year demonstration program for

four States. During the first year, each State would develop the internal administrative procedures and organization to conduct a test of the Alliance's recommended program. During the second year, the States would implement the program for motor carriers involved in the transportation of hazardous materials.

In November of 1992, the Alliance contacted State hazardous materials transportation program administrators to solicit participation in the pilot study. The States of Minnesota, Nevada, Ohio, and West Virginia were chosen based upon the following criteria established by the Alliance:

1. The Governor and State legislature were committed to taking the necessary legislative and administrative actions to conduct the State's hazardous materials transportation programs under the principles and operating procedures of the Alliance's recommendations;
2. The regulated community within the State was committed to supporting participation in the program;
3. The State had experience in the registration and permitting of hazardous materials, and/or in the transportation of radioactive materials;
4. The group of States chosen reflected "geographic diversity;"
5. At least one pilot State had a "major locality" with a hazardous materials transportation registration or permitting program.

On July 1, 1993, the pilot States began registering and permitting motor carriers in accordance with the Alliance's recommendations. Each participating State was given the opportunity to select one of the following three options for implementing the Alliance's Uniform Program:

1. The State could apply the requirements of the Uniform Program to all motor carriers (interstate and intrastate); or
2. The State could apply the requirements only to domiciled, interstate motor carriers that operate in two or more of the pilot States; or,
3. The State could select an even smaller sample of interstate motor carriers.

Minnesota, Ohio, and West Virginia used option one while Nevada selected option two for the first round of registration and permitting with the intent of expanding the program to all motor carriers during the second program year.

C. The Alliance's Findings and Conclusions

On March 15, 1996, the Alliance submitted its final report and recommendations to the FHWA. The

Alliance concluded that the pilot study met the uniformity mandate of 49 U.S.C. 5119. The report states that all of the pilot States support the program and believe that other States should join the program to increase the benefits provided by this uniform program and to spread the administrative load presented by multi-state carriers. The report claims that industry participants also support making the program uniform in all States, although the industry believes that a shorter application form and a simplified formula for calculating fees should be used.

The Alliance recommends that the Secretary:

1. Explore options for the consolidation of Federal and State registration programs;
2. Consider waiving the Federal requirement for motor carriers that have obtained a permit under the Uniform Program; and
3. Promote a one-stop repository for up-to-date information on hazardous materials routing designations.

In addition, the Alliance's Governing Board, which was responsible for managing the pilot program, recommends that the Congress amend section 5119 to require that any jurisdiction that elects to register and/or permit motor carriers to transport hazardous materials, must do so in conformity with the Alliance's Uniform Program. The Board recommends that the Secretary retain the authority to preempt any State program or program provision that the Secretary determines is inconsistent with the uniformity mandate. Additionally, the Board recommends that the Congress establish a deadline (not less than three years) for compliance with the mandate and provide financial support to the Alliance to facilitate State entry into the Uniform Program.

Other Federal and State Initiatives

There are several major activities underway which may have an impact or may be related to the State hazardous materials transportation registration and permitting processes. These activities include: (1) The FHWA's motor carrier safety permits and inspection rulemaking; (2) the Research and Special Program Administration's (RSPA) Hazardous Materials Registration and Fee Assessment Program; (3) the Commercial Vehicle Information System (CVIS) feasibility study; and (4) the elimination of the Interstate Commerce Commission (ICC) and the transfer of the ICC's registration (operating authority) and insurance programs to the FHWA. All of these

² Alliance Phase One Subgroup Reports, National Governors' Association-National Conference of State Legislatures, June 1992. A copy of this document is included in the docket file.

initiatives, as well as the FHWA's motor carrier registration requirement—the motor carrier identification report (Form MCS-150) required by 49 CFR 385.21 and used by the FHWA to assign USDOT numbers—and the registration and insurance filings of for-hire motor carriers required by many States (Single State Registration System), are very similar or related. However, these programs are commonly administered as separate functions by several agencies within a State.

These activities may have a significant bearing on the public comments offered in response to this notice and on the ultimate direction of any resulting rulemaking actions affecting Federal and State registration and permitting of transporters and shippers of hazardous materials. The FHWA encourages comments on the relationship between the recommendations of the Alliance and the activities discussed in this notice.

FHWA Rulemaking on Motor Carrier Safety Permits and the Inspection of Vehicles Transporting Highway-Route-Controlled Quantities of Radioactive Materials [49 U.S.C. 5109(a) and 5105(e)]

Section 5109(a), Motor Carrier Safety Permits (originally enacted as one of the provisions of section 8 of the HMTUSA), provides that a motor carrier shall only transport, or cause the transportation of, hazardous materials in commerce if the carrier holds a safety permit issued by the Secretary and keeps a copy of the permit, or other proof of its existence, in the vehicle. The Secretary is required to prescribe by regulation the hazardous materials and amounts to which the permit requirement applies. However, the list of hazardous materials must include, at a minimum and in amounts established by the Secretary, the following:

- (1) Division 1.1, 1.2, and 1.3 (class A or B explosives);
- (2) liquefied natural gas;
- (3) hazardous material the Secretary designates as extremely toxic by inhalation; and
- (4) a highway-route-controlled quantity of radioactive material, as defined by the Secretary.

Section 5105(e), Inspections of Motor Vehicles Transporting Certain Material (originally enacted as section 15 of the HMTUSA), directs the Secretary to issue regulations requiring that each motor vehicle transporting a highway-route-controlled quantity of Class 7 (radioactive) material in commerce be inspected and certified as complying with the Federal hazardous materials and motor carrier safety laws and

regulations. The Secretary may require the inspections to be conducted by Federal inspectors or in accordance with appropriate State procedures. The Secretary may allow self-certification by motor carriers using employees that meet minimum qualifications set by the Secretary.

On June 17, 1993, the FHWA published a notice of proposed rulemaking (NPRM) to implement the requirements of 49 U.S.C. 5109 and 5105 (58 FR 33418). The FHWA proposed to amend part 397 of the Federal Motor Carrier Safety Regulations (FMCSRs) by adding a new subpart B, Motor Carrier Safety Permits. The notice proposed to initially limit the safety permit program to the transportation of the four classes of hazardous materials set forth in the statute, with phase-in periods for Division 1.1, 1.2 and 1.3 materials (Class A and B explosives)³ and limiting the materials considered extremely toxic by inhalation to those that meet the criteria of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A (see 49 CFR 173.115 and 173.132) and are transported in quantities of more than 1 liter (1.06 quarts). The proposed permit procedures made extensive use of existing FHWA programs, forms and procedures, and as a result, the agency proposed not to assess permit fees. To obtain a permit, a motor carrier would be required to submit a revised MCS-150 (Motor Carrier Identification Report) to the Regional Director, Office of Motor Carriers, for the region in which the motor carrier has its principal place of business. Determinations on safety permit applications would be based upon a safety fitness finding made pursuant to 49 CFR part 385. A "satisfactory" safety rating would be a prerequisite to the granting of a safety permit. A less than "satisfactory" safety rating would result in a denial of the permit application. The FHWA would have the discretion to issue a temporary safety permit (120 days) to an unrated motor carrier pending a safety fitness determination. Safety permits would be valid for three years and would be renewable. Reviews of the FHWA's determinations on permit issuance would be handled pursuant to the

existing procedures applicable to safety rating reviews (49 CFR 385.15 and 385.17). The current safety rating notification letter would be modified to serve as the safety permit. The letter would bear a safety permit number, which would be the motor carrier's identification or census number assigned by the FHWA when the motor carrier submits the MCS-150 required by § 385.21. Motor carriers would be required to display this permit number on the shipping papers and on the commercial motor vehicles used.

With regard to the inspection requirements of 49 U.S.C. 5105, the FHWA proposed that motor carriers transporting highway-route-controlled quantities of Class 7 (radioactive) materials be required to inspect each commercial motor vehicle used before each trip and that a written certification by a qualified inspector be maintained. It was proposed that these vehicles be inspected through the use of the general inspection requirements contained in 49 CFR part 396, "Inspection, Repair, and Maintenance," and the more detailed inspection standards found in appendix G to 49 CFR subchapter B, "Minimum Periodic Inspection Standards." The inspector qualification requirements for the periodic inspection (specified in 49 CFR 396.19) would be used to ensure that inspectors are qualified to perform the vehicle inspections.

The FHWA carefully reviewed the various registration and permitting requirements of the Federal law and decided not to proceed with further rulemaking action to implement the requirements of 49 U.S.C. 5109 and 5105 until it had considered the final report and recommendations of the Alliance for implementing section 5119. This was considered the most effective way to satisfy all of these related statutory requirements, as the Alliance's recommendations would have a significant bearing on the implementation of the Federal safety permit and inspection requirements.

Federal Hazardous Materials Registration and Fee Assessment Program and the Hazardous Materials Emergency Preparedness Grant Program

Section 5108(a)(1) (originally enacted as one of the provisions of section 8 of the HMTUSA) requires that each person transporting or causing to be transported in commerce the following hazardous materials must file a "registration statement" with the Secretary:

- (1) Highway-route-controlled quantities of Class 7 (radioactive) materials;
- (2) more than 25 kilograms of Division 1.1, 1.2 and 1.3 (explosives) materials;

³The proposed phase-in period was to be implemented as follows:

Effective date and covered quantities of class A and/or B explosives:

Nov. 16, 1993—454 kilograms (1,000 pounds) or more.

Nov. 16, 1994—227 kilograms (500 pounds) or more.

Nov. 16, 1995—25 kilograms (55 pounds) or more.

(3) more than 1 liter in each package of a hazardous material which has been designated by the Secretary as extremely toxic by inhalation;

(4) hazardous material in a bulk package, container, or tank as defined by the Secretary if the package, container, or tank has a capacity of 13,249 or more liters (3,500 or more gallons) or has a volume greater than 13.25 cubic meters (468 cubic feet);

(5) a shipment of at least 2,268 kg (5,000 pounds) (except in a bulk packaging) of a class of hazardous material requiring a placard.

In addition, section 5108(a)(2) provides the Secretary with discretionary authority to require any of the following persons to file a registration statement:

(1) A person transporting or causing to be transported hazardous materials in commerce and not covered by section 5108(a)(1);

(2) a person manufacturing, fabricating, marking, maintaining, reconditioning, repairing, or testing a package or container the person represents, marks or certifies, or sells for use in transporting in commerce hazardous material the Secretary designates.

Paragraph (g) of section 5108 authorizes the Secretary to establish, impose, and collect a fee for the processing of the registration statement as well as an annual fee.

Implementation of these requirements was delegated by the Secretary to the RSPA. Federal registration of hazardous materials offerors and transporters began in 1992 (57 FR 30620, July 9, 1992). Federal registration is required of persons engaged in certain activities that involve the offering or transporting of hazardous materials in interstate, intrastate, or foreign commerce by highway, rail, air, or water. Less than half of the current registrants have identified themselves as highway carriers. The Federal registration program has no preemptive effect upon State and local hazardous materials registration programs.

The annual fee is used to fund grants to State and Indian tribal governments for hazardous materials planning and training purposes. The funds are allocated through the RSPA's Federal Hazardous Materials Emergency Preparedness (HMEP) Grant Program with the first grants awarded to qualifying State and Indian tribal governments in 1993.

In cooperation with the Alliance's pilot program, the concept of "one-stop shopping" for Federal and State registration of motor carriers was tested by the Public Utilities Commission of

Ohio (PUCO) and the RSPA. Motor carriers required to register with the State of Ohio were provided with the option of also submitting the Federal registration statement and fee to the PUCO for transmittal to the RSPA. For the 1994-95 registration year (from July 1, 1994 to June 30, 1995), approximately 200 persons registered in the Federal program through the PUCO. During the 1995-96 registration year, the number of persons choosing this option decreased sharply to 76 persons. Only 16 of the participants in the 1994-95 registration year elected to use this process for the 1995-96 registration year.

The Alliance's report, discussed above, recommends that the Secretary explore the consolidation of Federal and State registration programs. The FHWA notes, however, that there are substantial differences between the existing Federal registration program and the program recommended by the Alliance. Commenters should familiarize themselves thoroughly with the purpose and scope of coverage of each program in preparation for providing comments regarding this recommendation by the Alliance.

The Commercial Vehicle Information System (CVIS)

The CVIS project is a feasibility study mandated by 49 U.S.C. 31106, which was originally enacted by section 4003 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914, 2144; December 8, 1991). Specifically, the CVIS ties commercial motor vehicle registration privileges to a motor carrier's safety performance. For the first time, chronically unsafe motor carriers risk losing their vehicle registration privileges if they prove unable or unwilling to improve their operational safety levels after a designated period. The project is a cooperative effort involving the FHWA and five pilot States: Iowa (the lead State), Oregon, Colorado, Minnesota, and Indiana.

Motor carriers are identified for inclusion in the CVIS improvement process (MCSIP—Motor Carrier Safety Improvement Process) through the application of a carrier identification and prioritization algorithm referred to as the Safestat Identification Algorithm (Safestat). Safestat identifies "At Risk" motor carriers by producing a safety score for every interstate motor carrier. Motor carriers are ranked on a worst-first basis. Motor carriers with the lowest scores are considered to be "At Risk" and are scheduled for a compliance review (on-site visit), while motor carriers with less severe safety

scores receive "warning letters." Once a motor carrier has been identified for entry into the MCSIP, its safety performance is monitored using a second algorithm called the Safestat Monitoring Algorithm. The MCSIP process has been designed to provide numerous opportunities for motor carriers to improve their safety performance. Failure to improve safety performance, however, will result in progressively more severe penalties leading eventually to suspension or revocation of vehicle registration privileges.

The CVIS could be used to identify hazardous materials (HM) carriers that are "At Risk" by modifying the Safestat Identification Algorithm to include additional information about HM motor carriers. In fact, it has been suggested that a separate safety evaluation area relating to HM be included in the Safestat Identification Algorithm. Under this proposal, HM carriers that have been identified for entry into the MCSIP process and continue to score poorly may have their HM permits denied or suspended.

Interstate Commerce Commission's (ICC) Carrier Registration and Insurance Requirements

On December 29, 1995, the President signed the ICC Termination Act of 1995 (the Act) (Pub.L. 104-88, 109 Stat. 803), which eliminates the ICC and transfers certain motor carrier regulatory functions from the ICC to the FHWA. The principal functions being transferred are the licensing/registration activities, insurance tracking, Mexican motor carrier oversight, and responsibilities for brokers, freight forwarders, and household goods carriers. All past operating authority licenses and financial responsibility filings will remain valid, and all pending applications and financial responsibility filings will be processed by the FHWA. Future applications and insurance filings will continue to be accepted by the FHWA. The Act provides that registration generally remains in effect for up to five years unless it is suspended, amended, or revoked. Reasons for suspension or revocation may include unsafe operations, lack of the required financial responsibility coverage, or failure to comply with regulatory requirements.

The ICC and the FHWA motor carrier programs have the common goal of ensuring that motor carriers are properly identified, have adequate levels of financial responsibility, and operate in a safe manner. Under the present programs, for-hire motor carriers are registered and must show proof of

financial responsibility and familiarity with the FHWA's safety regulations. The financial responsibility coverage of for-hire motor carriers is continuously monitored. Policy pre-expiration notices obtained from the insurance companies as well as internal audits are used to determine compliance. Prior to an insurance policy lapsing, the carrier is contacted. Enforcement action, including litigation, can be used to stop the carrier from operating without financial responsibility. A carrier's operating authority can be revoked if financial responsibility is not obtained. A similar procedure applies to motor carriers that have been authorized to self-insure.

The Single State Registration System (SSRS) program was created to succeed the "bingo card" program administered by the ICC. The SSRS program is a base-State system whereby a motor carrier registers its interstate operating authority with and provides proof of financial responsibility coverage to one State (a base-State) instead of multiple States. The base State then distributes the collected fees to other participating States in which the motor carrier's vehicles operate. State participation in the System was limited to those States participating in the bingo card program prior to January 1991. Fee amounts were limited to those imposed prior to November 1991, not to exceed \$10 per vehicle.

Under the Act, the SSRS will continue to operate. However, the Department is required to consolidate the current USDOT identification number system, the SSRS, the ICC registration system (including financial responsibility registration) into a single, on-line Federal system. The new system will contain information on, and identification of, all foreign and domestic motor carriers, brokers, and freight forwarders (as well as others required to register with the Department of Transportation) as well as information on safety fitness and compliance with the required levels of financial responsibility coverage. The Secretary may establish fees to fully operate the system, including any personnel to support the overall registration and financial responsibility filing system.

Request for Comments

The FHWA requests comments on the Alliance's final report and recommendations, as outlined in this notice. As discussed above, several major activities related to the hazardous materials transportation registration and permitting processes are also underway. The FHWA encourages commenters to

consider these activities and their relationship to the final report and recommendations of the Alliance. Based upon the comments received, the FHWA may hold public meetings to further discuss these issues.

Copies of the report ("Final Report: Uniform Program Pilot Project," March 15, 1996) may be ordered at no charge from the National Governors' Association. Requests should be addressed to: National Governors' Association, c/o Mr. Kyle Winston, Hall of the States, 444 North Capitol Street, Suite 267, NW., Washington, D.C. 20001-1512. Request for copies may also be made by calling the NGA at (202) 624-5300 or via fax (202) 624-5395.

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practical. In addition to late comments, the FHWA will also continue to file relevant information in the docket as it becomes available after the closing date. Interested persons should continue to examine the docket for new material.

List of Subjects in 49 CFR Part 397

Hazardous materials transportation, Highway safety, Motor carriers.

Issued on: July 2, 1996.
Rodney E. Slater,
Federal Highway Administrator.
[FR Doc. 96-17420 Filed 7-8-96; 8:45 am]
BILLING CODE 4910-22-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC63

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for Five Freshwater Mussels and Proposed Threatened Status for Two Freshwater Mussels From Eastern Gulf Slope Drainages of Alabama, Florida, and Georgia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Fish and Wildlife Service provides notice that the comment

period is reopened on a proposal to list the fat three-ridge, shiny-rayed pocketbook, Gulf moccasinshell, Ochlockonee moccasinshell, and oval pigtoe as endangered, and the Chipola slabshell and purple bankclimber as threatened, pursuant to the Endangered Species Act of 1973 (Act), as amended. The Service is reopening the comment period on this proposal to allow members of the public to submit comments on these proposals.

DATES: The comment period on this proposal is extended until July 26, 1996.

ADDRESSES: Written comments and materials concerning the proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida, 32216. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert S. Butler at the above address (telephone: 904/232-2580, fax 904/232-2404).

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1994, the Service proposed to add seven freshwater mussels (fat three-ridge, shiny-rayed pocketbook, Gulf moccasinshell, Ochlockonee moccasinshell, oval pigtoe, Chipola slabshell, and purple bankclimber) to the list of endangered and threatened animals (59 FR 39524). These seven species are endemic to the Apalachicola Region of the eastern Gulf Slope, defined as the rivers from the Escambia River in the west to the Suwannee River in the east. These drainages comprise southeast Alabama, southwest Georgia, and north Florida.

Section 4(b)(5)(E) of the Endangered Species Act of 1973, as amended, requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. By September 19, 1994, the Service had received 12 public hearing requests on the proposal to list these seven mussels. The Service conducted five public informational meetings and five public hearings in January 1995. A notice of the public informational meetings, public hearings, and reopening of the comment period until February 10, 1995, was published in the Federal Register on December 12, 1994 (59 FR 63987). In a Federal Register notice appearing on April 24, 1995 (60 FR 20072), the Service extended the open comment period until May 5, 1995.

A moratorium on listing actions (Public Law 104-6) took effect April 10,