DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 177

Federal Motor Carrier Safety Administration

49 CFR Part 397

Security Requirements for Motor Carriers Transporting Hazardous Materials

AGENCY: Research and Special Programs Administration (RSPA), and Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Supplemental advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Research and Special Programs Administration (RSPA) and the Federal Motor Carrier Safety Administration (FMCSA) published a July 16, 2002 ANPRM entitled “Security Requirements for Motor Carriers Transporting Hazardous Materials.” See 67 FR 46622. In that rulemaking document, RSPA and FMCSA are examining the feasibility of implementing specific enhanced security requirements for motor carriers transporting hazardous materials, and the potential costs and benefits of deploying such enhancements. In the July 16 ANPRM, we set out seven questions and invited commenters to carefully consider the information they submitted in response to those questions.

Because the ANPRM addressed measures to enhance the security of hazardous materials in transportation, we urged commenters to carefully consider the information they submitted in response to the questions posed. After the ANPRM was published, we received an industry association letter indicating that it planned to file comments and stating “however, we are concerned that the public dissemination of these comments could compromise our national security by providing information that could later be exploited by terrorists with access to such information.” The association requested that we establish a procedure to safeguard those comments.

After reviewing your request for confidentiality and the information provided, we will analyze all applicable laws to decide whether or not to treat the information as confidential. We will notify you of our decision to grant or deny confidentiality at least five days before the information is publicly disclosed, and give you an opportunity to respond. See 105.30(b).

If, prior to submitting your request, you have any questions regarding RSPA’s procedures for determining confidentiality, you may call one of the contact individuals above for more information.

The July 16 ANPRM included a statement that we would disqualify information received in comments that could compromise transportation security as beyond the scope of the rulemaking. In light of the fact that RSPA’s regulations provide a process for requesting confidentiality, all comments will be part of the docket, unless comments or portions of comments are determined to be confidential and protected from disclosure under law. Information determined to be confidential will be redacted and the unredacted portions will be placed in the docket.

The ANPRM provided an October 15, 2002 deadline for filing comments. In conjunction with informing the public of our procedures for requesting confidentiality, we are also extending the comment period deadline to November 15, 2002 to provide commenters with an additional 30 days.

DATES: Submit comments on or before November 15, 2002. To the extent possible, we will consider late-filed comments as we consider further action.


SUPPLEMENTARY INFORMATION: RSPA and FMCSA published a July 16, 2002 ANPRM entitled “Security Requirements for Motor Carriers Transporting Hazardous Materials.” See 67 FR 46622. In that rulemaking document, RSPA and FMCSA are examining the feasibility of implementing specific enhanced security requirements for motor carriers transporting hazardous materials, and the potential costs and benefits of deploying such enhancements. In the July 16 ANPRM, we set out seven questions and invited commenters to carefully consider the information they submitted in response to those questions.

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Federal Communications Commission.

Marlene H. Dortch, Secretary.

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to file comments. We will consider late-filed comments to the extent possible.

Issued in Washington, DC on October 1, 2002, under authority delegated in 49 CFR part 106.

Robert A. McGuire,
Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.

Julie A. Cirillo,
Assistant Administrator, Federal Motor Carrier Safety Administration.

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