

INTERESTED PARTIES FOR HAZARDOUS MATERIALS TRANSPORTATION

June 21, 2007

Susan E. Dudley
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 - 17th Street, NW
Washington, DC 20503

VIA Facsimile: 202-395-3888

RE: Request to Modify the Hazardous Materials Public Sector Training and Planning Grants Application
OMB Control Number 2137-0586

Dear Administrator Dudley:

On behalf of the Interested Parties for Hazardous Materials Transportation, the undersigned organizations are writing to request that PHMSA's submission for a three-year renewal and extension of its information collection request (ICR) to authorize Hazardous Materials Public Sector Training and Planning Grants (PTPG) application be modified to provide for no more than a one-year extension.

The hazardous materials transportation community has long been subject to a variety of state-imposed fees. These fees have generated hundreds of millions of dollars in revenue. Because many of these fees were flat and unapportioned and because many states diverted fees to purposes unrelated to the transportation of hazardous materials, industry asked Congress to establish limits on such non-federal fees. In the 1990 and 1994 amendments to the Hazardous Materials Transportation Act (HMTA), Congress provided limits to non-federal hazardous materials transportation fees, made the imposition of such fees as reviewable criteria in awarding PTPGs, and provided PHMSA with discretionary authority to require states to provide information about such fee collections that would enable the agency to better fulfill its obligations under the Act.¹

Unfortunately, PHMSA has not yet exercised its authority to require states to provide specified information about their hazmat transportation-related fee collections. Recently, PHMSA leadership indicated a willingness to collect the information authorized by the HMTA in order to quantify the amount of state fees and assess their impacts. To minimize the administrative burden of collecting this information, we suggested that the agency modify its PTPG application to include the information authorized by Congress.² PHMSA has responded affirmatively to our request stating that it "will submit a revised information collection to OMB [for its PTPG application] in the near future."³

In the meantime, PHMSA is continuing to advance its February 26, 2007 request for a three-year renewal and extension of the current Office of Management and Budget (OMB)-approved PTPG application because the agency does not believe that there is sufficient time to obtain OMB clearance prior to the next distribution of the PTPG application to states and Indian tribes. Given the agency's stated intent to revise and resubmit this ICR in the near future, we respectfully request that OMB limit the extension of the current form to one year.

Our request will not deny states or Indian tribes the funds they are entitled to receive. Our request will provide incentive for prompt action on the new ICR proceeding the agency has promised. We believe leveraging the PTPG

¹ 49 U.S.C. 5108(g), 5116(b), and 5125(f).

² Letter to Thomas J. Barrett, VADM Ret., Administrator, PHMSA, March 23, 2007, cc: to Steven D. Aitken, Acting Administrator, Office of Information and Regulatory Affairs, OMB.

³ 72 FR 29035 (May 23, 2007).

application to collect sufficiently detailed non-federal hazmat transportation fee information is the most cost-effective means to obtain the data needed to determine if states are in compliance with applicable provisions of the HMTA.

Respectfully,

- Agricultural Retailers Association
- American Chemistry Council
- American Pyrotechnics Association
- American Trucking Associations, Inc.
- The Chlorine Institute, Inc.
- Compressed Gas Association
- Council on Radionuclides and Radiopharmaceuticals, Inc.
- Council on Safe Transportation of Hazardous Articles
- Dangerous Goods Advisory Council
- The Fertilizer Institute
- Industrial Packaging Alliance of North America
- Institute of Makers of Explosives
- International Vessel Operators Hazardous Materials Association, Inc.
- International Warehouse Logistics Association
- National Agricultural Aviation Association
- National Association of Chemical Distributors
- National Association of Shell Marketers
- National Association of Truckstop Operators
- National Paint & Coatings Association
- National Private Truck Council
- National Propane Gas Association
- National Tank Truck Carriers, Inc.
- Nuclear Energy Institute
- Petroleum Marketers Association of America
- Reusable Industrial Packaging Association
- Steel Shipping Container Institute
- Transportation Intermediaries Association
- Truckload Carriers Association

cc: Ted Willke, Acting Associate Administrator for Hazardous Materials Safety, DOT