## B. Foreign Offerors

Foreign offerors are included in the definition of "persons" who are subject to the registration requirement to the extent that they engage in any of the activities covered by the registration program. However, because of the potential for reciprocal actions by other governments, and significant problems associated with informing and identifying the parties concerned, RSPA delayed application of the registration requirement to these entities until July 1, 1996. See 49 CFR 107.606(f). Subsequently, section 104 of Public Law 103-311, enacted August 26, 1994, amended 49 U.S.C. 5108(a) by adding a new subparagraph that reads as follows:

(4) The Secretary may waive the filing of a registration statement, or the payment of a fee, required under this subsection, or both, for any person not domiciled in the United States who solely offers hazardous materials for transportation to the United States from a place outside the United States if the country of which such person is a domiciliary does not require persons domiciled in the United States who solely offer hazardous materials for transportation to the foreign country from places in the United States to file registration statements, or to pay fees, for making such an offer.

In this notice, RSPA proposes to make permanent the exception currently provided in § 107.606(f). However, in proposed § 107.606(a)(6), the general exception would be limited to persons who offer hazardous materials for transportation to the United States from a foreign country that does not impose a registration statement or fee payment requirement on a person domiciled in the United States who offers hazardous materials for transportation to that country

In § 107.606(b), RSPA explains that persons domiciled in countries that enforce a registration statement or fee payment requirement shall file a registration statement and pay the annual fee upon a positive determination made by RSPA's Associate Administrator for Hazardous Materials Safety, the U.S. Competent Authority, that the other country's requirement is prejudicial to persons domiciled in the United States. The U.S. Competent Authority's determination would be communicated directly to the other country's Competent Authority, and it would be published in the **Federal Register**. No later than 60 days following publication in the Federal **Register** of that Competent Authority determination, offerors domiciled in the other country would be required to file a registration statement and pay the annual fee. If such an offeror were not registered, it could not offer a hazardous material for transportation from that country to the United States.

## IV. Fee Schedule Under the Current **Program**

Under 49 U.S.C. 5108 the amount of the registration fee which may be collected from a person required to register with RSPA may not be less than \$250.00 nor more than \$5,000.00. The current registration fee is \$250.00 for all persons required to be registered with RSPA, plus a processing fee of \$50.00. All registrants, regardless of the size of their company, their level of income, or the extent to which they engage in hazardous materials transportation activities, currently pay the same registration fee.

## V. Funding Shortfalls and Compliance **Enforcement**

A. Training and Planning Program Funding Shortfall

For the public sector training and planning program, 49 U.S.C. 5116 and 5127 provide an annual authorization in the amount of \$18.975 million from 1993 through 1998. The authorization allocates \$5 million for planning grants; \$7.8 million for training grants; \$1 million for development of a national curriculum; \$3.2 million for monitoring and technical assistance by DOT and other Federal departments and agencies; \$250,000 for a hazmat employee training grant program; and up to 10% of the amount made available from the registration fee account (or a maximum of \$1.725 million) for the administrative costs of the program.

The planning and training grants awarded to States and Indian tribes, as well as expenditures for development of the training curriculum and other elements of the program, are drawn from an account established by the Secretary of the Treasury for the deposit of registration fees. In the registration years ending in June 1993 and 1994, registration fees collected and deposited into that account under the registration program amounted to \$6.8 million and \$6.7 million, respectively. An estimated \$6.25 million in registration fees will be deposited during the current registration year ending in June 1995.

Currently, annual registration fees do not provide all of the \$12.8 million authorized for training and planning grants to States and Indian tribes or the amounts authorized for other purposes. This funding shortfall compelled the Department to reduce grant allocations to the States and Indian tribes by approximately 40%. Increased registration fees will permit RSPA to substantially improve support of

hazardous materials emergency response planning and training to the extent contemplated by Congress.

B. Outreach Efforts, Compliance, and Enforcement

RSPA has conducted an extensive outreach effort to increase awareness of the registration requirement. Over 400,000 informational brochures have been distributed through direct mailing campaigns and during presentations to industry. Those mailing campaigns targeted, among others, more than 46,000 carriers and shippers identified by the Federal Highway Administration's (FHWA) Office of Motor Carriers; more than 22,000 generators and 13,000 transporters of hazardous waste, as identified by the Environmental Protection Agency; nearly 6,000 shippers identified in RSPA's Hazardous Materials Incident Reporting System; approximately 4,000 holders of hazardous materials exemptions issued by RSPA; thousands of shippers and carriers that constitute the membership of several trade associations having an interest in the transportation of hazardous materials; and numerous State agencies. During this outreach, RSPA has cross-checked its registrations data base with each of the other lists provided by State agencies, and others, to identify potential cases of non-compliance. The registration program has been publicized in trade magazines and industry newsletters. Three supplemental notices have been published in the **Federal Register** advising the public of registration requirements. 58 FR 10985, February 23, 1993; 58 FR 26040, April 29, 1993; and 59 FR 22132, April 29, 1994. Compliance enforcement with the registration requirements was a key element of ROADCHECK-93, a nationwide inspection effort sponsored by the FHWA. Of 2,300 placarded trucks that were checked for proof of registration during that inspection, 88% were registered and had proof on board. Of the 12% that did not have proof on board, 80% were already registered. The Federal Railroad Administration (FRA) has publicized the registration program through technical bulletins and informational brochures distributed to their regional offices and all FRA inspectors. Approximately 60 Federal enforcement actions have been initiated throughout the United States, and eighteen State enforcement agencies have issued more than 250 citations for failure to register. Finally, during May, 1994, RSPA's Associate Administrator for Hazardous Materials Safety wrote to each State grant recipient to request