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Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Chapter I

[Docket No. HM-222; Notice No. 95-5]

#### Improving the Hazardous Materials Safety Program; Public Meetings and Request for Comments Related to Regulatory Review and Customer Service

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

**ACTION:** Public meetings and request for comments.

**SUMMARY:** This notice announces a nationwide series of seven public meetings during April and May to seek information from the public on regulatory reform and improved customer service for RSPA's hazardous materials safety program.

**DATES:** *Meetings:* Public meetings will be held as follows:

- (1) April 19, 1995, in San Francisco, California.
- (2) April 20, 1995 in Chicago, Illinois.
- (3) April 26, 1995 in Clearwater Beach, Florida.
- (4) April 27, 1995 in Tampa, Florida.

- (5) April 28, 1995 in Tampa, Florida.
- (6) May 16, 1995 in Houston, Texas.
- (7) May 18, 1995 in Minneapolis, Minnesota.

**Comments:** This notice invites comments on both regulatory reform and improved customer service. Participation in the meeting is not a prerequisite for the submission of written comments. Please submit comments before May 31, 1995.

**ADDRESSES:** *Meetings:* See Supplementary Information for specific times, locations and agendas.

**Comments:** Please address written comments to the Dockets Unit (DHM-30), Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001. Comments may also be faxed to (202)366-3753. Comments should identify the docket (Docket No. HM-222). The Dockets Unit is located in room 8421 of the Nassif Building, 400 Seventh Street S.W., Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, except on public holidays when the office is closed.

**FOR FURTHER INFORMATION CONTACT:**

Edmund J. Richards, Interagency Hazardous Materials Program Coordinator, (202) 366-0656; or Suezett Edwards, Training and Information Specialist, (202) 366-4900; Hazardous Materials Safety, RSPA, Department of Transportation, Washington, DC 20590-0001.

**SUPPLEMENTARY INFORMATION:** On March 4, 1995, President Clinton issued a memorandum to heads of departments and agencies calling for a review of all agency regulations and elimination or revision of those that are outdated or in need of reform. The President also directed that front line regulators " \* \* \* get out of Washington and create grassroots partnerships" with people affected by agency regulations. RSPA is reviewing the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), and associated procedural rules (49 CFR Parts 106 and 107), in response to the President's directive.

On September 11, 1993, the President signed an Executive Order on setting customer service standards. The Executive Order requires continual reform of the executive branch's management practices and operations to provide service to the public that matches or exceeds the best service available in the private sector. RSPA is seeking information from customers of its hazardous materials safety program to determine the kind and quality of

services they want and their level of satisfaction with existing services.

#### Conduct of Meetings

Meetings will be informal, intended to produce a dialogue between agency personnel and those persons directly affected by the hazardous materials safety programs, regulations and customer services. The meeting officer reserves the right to limit time allocated to speakers, if necessary, to ensure that all have an opportunity to speak. Conversely, meetings may conclude before the scheduled time if all persons wishing to participate have been heard.

#### Meeting Schedule and Agendas

The public meetings will be held as follows:

(1) April 19, 1995, from 9:00 a.m. to 4:00 p.m., in San Francisco, California, EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105, 1st floor conference rooms. This meeting will have an open agenda.

(2) April 20, 1995, from 9:00 a.m. to 4:00 p.m., in Chicago, Illinois, Banker's Building (Health and Human Services Facility), 105 West Adams Street, Chicago, Illinois 60603, Floor/Room: 10th/1015. This meeting will have an open agenda.

(3) April 26, 1995, from 1:00 p.m. to 4:00 p.m., in Clearwater Beach, Florida, Sheraton Sand Key Resort Hotel, 1160 Gulf Boulevard, Clearwater Beach, Florida 34630. This meeting, held immediately after a previously scheduled Compressed Gas Association meeting, will focus primarily on the manufacture, maintenance and testing of compressed gas cylinders.

(4) April 27, 1995, from 1:00 p.m. to 4:00 p.m., in Tampa, Florida, Crowne Plaza, Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida 33610. This meeting will have an open agenda.

(5) April 28, 1995, from 9:00 a.m. to 12:00 p.m., in Tampa, Florida, Crowne Plaza, Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida 33610. This meeting will focus primarily on pyrotechnics (fireworks) transportation issues.

(6) May 16, 1995, from 9:00 a.m. to 4:00 p.m., in Houston, Texas, Sheraton Crown Hotel & Conference Center, 15700 John F. Kennedy Boulevard, Houston, Texas 77032. This meeting will have an open agenda.

(7) May 18, 1995, from 1:00 p.m. to 4:00 p.m., in Minneapolis, Minnesota, Radisson Hotel South & Plaza Tower, 7800 Normandie Boulevard, Minneapolis, Minnesota 55539. This meeting will have an open agenda.

Five of the seven meetings (April 19 in San Francisco, April 20 in Chicago,

April 27 in Tampa, May 16 in Houston, and May 18 in Minneapolis) will have an open agenda, based on interests of the participants. Two meetings to be held in Florida will have focus areas as follows:

(1) April 26 in Clearwater Beach: This meeting, held in association with a Compressed Gas Association meeting, will focus primarily on the manufacture, maintenance and testing of compressed gas cylinders.

(2) April 28 in Tampa: This meeting, held with the cooperation of the American Pyrotechnics Association, will focus primarily on pyrotechnics (fireworks).

Even though these latter two meetings will have focus areas, they will be open to all interested persons and speakers may address any area pertinent to RSPA's hazardous materials safety program.

#### Areas of Regulatory Concern

In calling on agencies to cut obsolete regulations, the President directs each agency to consider the following issues in its review of the regulations:

- Is this regulation obsolete?
- Could its intended goal be achieved in more efficient, less intrusive ways?
- Are there better private sector alternatives, such as market mechanisms, that can better achieve the public good envisioned by the regulation?
- Could private business, setting its own standards and being subject to public accountability, do the job as well?
- Could the States or local governments do the job, making Federal regulation unnecessary?

RSPA suggests that persons commenting on the hazardous materials safety program consider these issues.

The President's call for regulatory reform provides opportunities for

eliminating or improving hazardous materials safety regulations. RSPA has undertaken a page-by-page review of the HMR and has identified certain sections of the HMR that are candidates for elimination, revision, clarification or relaxation. Although RSPA does not wish to imply that discussion is limited to these items, the items listed below are suggested as candidates for discussion at the public meetings:

(1) There appear to be jurisdictional issues that need resolution. For example, there is a question as to whether certain rail storage practices are "storage in transportation" and, thus, subject to the HMR, and whether the HMR should apply to rail tank car unloading operations, not involving rail carriers, which occur on private facilities. Other issues concern whether RSPA should continue to exercise jurisdiction in areas where other Federal agencies also exercise jurisdiction. For example, should RSPA remove regulatory provisions concerning hazardous waste manifests in deference to EPA requirements for manifesting? Should RSPA continue to regulate hazardous materials, such as fireworks, that are subject to regulations of the Consumer Product Safety Commission or the Bureau of Alcohol, Tobacco and Firearms? Should RSPA defer to the requirements of other agencies having occupational safety responsibilities which affect transportation, such as the Occupational Safety and Health Administration (OSHA), and OSHA agreement States? RSPA anticipates coordinating with other Federal agencies that regulate hazardous materials to resolve any multi-jurisdictional problems identified through the review.

(2) The modal-specific portions of the HMR—Part 174 for rail, Part 175 for air, Part 176 for water and Part 177 for highway—appear to contain a number

of provisions that should be eliminated or revised. For example, many of the special handling requirements and accident response requirements appear obsolete.

(3) There may be opportunities for relaxing certain regulatory provisions without unduly impacting safety, such as by increasing the time interval for recurrent training or providing additional small quantity exceptions from incident reporting.

#### Improvements to Customer Service

RSPA is soliciting comments on the kind and quality of services its customers want and their level of satisfaction with the services currently provided by the hazardous materials safety program. RSPA will use the comments to establish service standards and measure results against them; provide customers with choices in both the sources of service and the means of delivery; make information, services, and complaint systems easily accessible; and provide the means to address customer complaints. RSPA's current customer services include providing guidance in understanding and complying with the HMR and processing exemptions, approvals, registrations, grant applications, and enforcement actions. Other customer services include conduct of multi-modal hazardous materials seminars, operation of the Hazardous Materials Information Exchange (HMIX) electronic bulletin board, and development and dissemination of training and informational materials.

Issued in Washington, DC, on March 30, 1995.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

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