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**APPROVED**  
**OCT 11 1976**

810/11/76

**THE WHITE HOUSE**

**ACTION**

WASHINGTON  
October 8, 1976

Last Day: October 13

*Posted*  
*10/12/76*  
  
*archives*  
*10/12/76*

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *ADD Quern*  
SUBJECT: S. 2991 - Hazardous Materials Transportation Act Amendments of 1976

Attached for your consideration is S. 2991, sponsored by Senators Magnuson and Pearson.

The enrolled bill would authorize appropriations of \$11.75 million through FY 78 for DOT to carry out its activities under the Hazardous Materials Transportation Act, and would make a clarifying amendment to the Act as requested by DOT.

Additional information is provided in OMB's enrolled bill report at Tab A.

The enrolled bill passed the House on September 20, 1976 346-39.

OMB, Max Friedersdorf, Counsel's Office (Kilberg), Bill Seidman and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2991 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCT 6 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2991 - Hazardous Materials  
Transportation Act Amendments of 1976  
Sponsor - Sen. Magnuson (D) Washington and  
Sen. Pearson (R) Kansas

Last Day for Action

October 13, 1976 - Wednesday

Purpose

Authorizes appropriations of \$11.75 million through fiscal year 1978 for the Department of Transportation to carry out its activities under the Hazardous Materials Transportation Act; and makes a clarifying amendment to that Act.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
National Transportation Safety Board	No objection

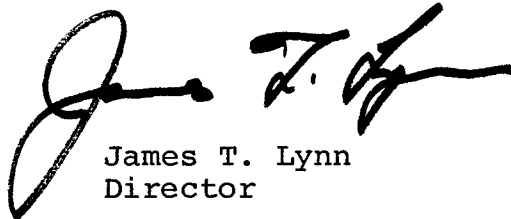
Discussion

S. 2991 would authorize appropriations of \$1.75 million for the transition quarter and \$5 million for each of fiscal years 1977 and 1978 for the Department of Transportation (DOT) to carry out its responsibilities under the Hazardous Materials Transportation Act (P.L. 93-633). The Administration had requested \$7 million each for 1977 and 1978, and no funds for the transition quarter. The DOT views letter on the enrolled bill states that



the bill's authorizations would "provide sufficient latitude to meet foreseeable program needs" for 1977. We concur with DOT and believe that the authorization for 1978 is also adequate to meet anticipated program needs.

The enrolled bill would also make a clarifying amendment to P.L. 93-633 that was requested by DOT. That Act allows the Secretary to require manufacturers and shippers of hazardous materials to register with DOT every 2 years. In enrolling that Act, however, the word "extremely" was apparently inadvertently left in one section, thus making it inconsistent with the remainder of the Act, and, in effect, limiting the registration requirement to manufacturers and shippers of extremely hazardous materials. The enrolled bill would delete the word "extremely" in Section 106(c) of the Act.



James T. Lynn  
Director

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

13

Date: October 6

Time: 700pm

FOR ACTION:

Judy Hope  
Max Friedersdorf  
Bobbie Kilberg  
Bill Seidman

cc (for information): Jack Marsh  
Jim Connor  
Ed Schmults

*McDonahay defn*

FROM THE STAFF SECRETARY

DUE: Date:

October 8

Time:

200pm

SUBJECT:

S.2991-Hazardous Materials Transportation Act  
Amendments of 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

OCT 1 1976

Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

You have asked for our views on S. 2991, an enrolled bill,

To amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes.

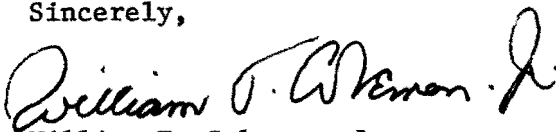
Section 2 of the bill would delete the word "extremely" where it appears in section 106(c) of the Hazardous Materials Transportation Act of 1974, a technical amendment necessary to make the reference to hazardous materials in paragraph (c) consistent with such references elsewhere in the Act.

Absent from the bill is an Administration proposal to amend section 107(a) of the Act to clarify the Secretary's exemption authority over container manufacturers. However, the existence of that exemption authority is adequately supported under existing law even without further legislation, a fact expressly recognized in the report of the House Committee on Interstate and Foreign Commerce and in House floor debate. Consequently, while clarification is desirable, the deletion will not significantly affect any of this Department's hazardous materials programs.

Section 3 of the bill would authorize appropriations under the Act for each of fiscal years 1977 and 1978 of \$5,000,000, an amount which is \$2,000,000 lower than the Administration's authorization proposal for each of those fiscal years. However, the section 3 authorization substantially exceeds actual appropriations for fiscal year 1977 and will provide sufficient latitude to meet foreseeable program needs for that fiscal year.

In spite of deviations from the Administration proposal, we believe the enrolled bill is an acceptable compromise and recommend that the President sign it.

Sincerely,

  
William T. Coleman, Jr.



Office of  
Chairman

## National Transportation Safety Board

Washington, D.C. 20594

October 5, 1976

Mr. James M. Frey  
Assistant Director for Legislation  
Office of Management and Budget  
Executive Office of the President  
Washington, D. C. 20503

Dear Mr. Frey:

This is in reply to your request for the National Transportation Safety Board's comments on S. 2991, an enrolled bill "To amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes".

The Safety Board has no objections to enactment of S. 2991.

Your thoughtfulness in soliciting our views is greatly appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Webster B. Todd, Jr.", written over a horizontal line.

Webster B. Todd, Jr.  
Chairman

cc: Honorable Warren G. Magnuson  
Honorable Birch Bayh  
Honorable Robert E. Jones

Honorable John J. McFall  
Honorable Harley O. Staggers  
Honorable Jack Brooks

THE WHITE HOUSE

WASHINGTON

October 8, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *MLF*  
SUBJECT: S. 2991 - Hazardous Materials Transportation  
Act Amendments of 1976

The Office of Legislative Affairs concurs with the agencies  
that the Hazardous Materials Transportation Act Amendments of  
1976 be signed.

Passed House on September 20, 346-39.

Attachments





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 6 1976

10-  
Johnston  
10-6-76  
6:00 p.m.

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2991 - Hazardous Materials  
Transportation Act Amendments of 1976  
Sponsor - Sen. Magnuson (D) Washington and  
Sen. Pearson (R) Kansas

Last Day for Action

October 13, 1976 - Wednesday

Purpose

Authorizes appropriations of \$11.75 million through  
fiscal year 1978 for the Department of Transportation to  
carry out its activities under the Hazardous Materials  
Transportation Act; and makes a clarifying amendment to  
that Act.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
National Transportation Safety Board	No objection

Discussion

S. 2991 would authorize appropriations of \$1.75 million  
for the transition quarter and \$5 million for each of  
fiscal years 1977 and 1978 for the Department of Trans-  
portation (DOT) to carry out its responsibilities under  
the Hazardous Materials Transportation Act (P.L. 93-633).  
The Administration had requested \$7 million each for  
1977 and 1978, and no funds for the transition quarter.  
The DOT views letter on the enrolled bill states that

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 4

Date: October 7

Time: 1130am

FOR ACTION:

Judy Hope  
Max Friedersdorf  
Bobbie Kilberg  
Bill Seidman

cc (for information): Jack Marsh  
Jim Connor  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date:

October 8

Time:

200pm

SUBJECT:

S.2991-Hazardous Materials Transportation Act  
Amendments of 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*approve Reply 10/8/76*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 7

Time: 1130am

FOR ACTION:

Judy Hope  
Max Friedersdorf  
Bobbie Kilberg  
Bill Seidman

cc (for information): Jack Marsh  
Jim Connor  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date:

October 8

Time:

200pm

SUBJECT:

S.2991-Hazardous Materials Transportation Act  
Amendments of 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*APPROVE  
RB Porter*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 8

Date: October 7

Time: 1130am

FOR ACTION:

Judy Hope  
Max Friedersdorf  
Bobbie Kilberg  
Bill Seidman

cc (for information): Jack Marsh  
Jim Connor  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date:

October 8

Time:

200pm

SUBJECT:

S.2991-Hazardous Materials Transportation Act  
Amendments of 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Approval  
JKH  
10/8/76  
10:05 AM*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

## HAZARDOUS MATERIALS ACT AMENDMENTS OF 1976

MAY 13, 1976.—Ordered to be printed

Mr. HARTKE, from the Committee on Commerce,  
submitted the following

### REPORT

[To accompany S. 2991]

The Committee on Commerce, to which was referred the bill (S. 2991) to amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes, having considered the same, reports favorably thereon with technical amendments and recommends that the bill as amended do pass.

#### SUMMARY AND DESCRIPTION

The purpose of this legislation is to authorize additional appropriations to implement the Hazardous Materials Transportation Act and to make two technical amendments to the act.

For the purposes of implementing programs relating to the transportation of hazardous materials, the bill would authorize to be appropriated not to exceed \$7 million for the fiscal year ending September 30, 1977, and not to exceed \$7 million for the fiscal year ending September 30, 1978. The bill would continue the authorization of appropriations for the fiscal year transition period enacted by Public Law 94-56.

The bill also contains two clarifying amendments to the Hazardous Materials Transportation Act. An amendment to section 106 would strike the word "extremely" from subsection 106(c). Section 106, as it was originally passed by the Senate, limited the requirement of registering with the Department of Transportation (DOT) to shippers and carriers of, and manufacturers of containers for "extremely" hazardous materials. The conference committee rejected this limitation and deleted the word "extremely" throughout the legislation.

However, due to inadvertence, such word was not deleted in section 106(e), thus leaving an internal inconsistency in the Hazardous Materials Transportation Act.

The second amendment would clarify section 107(a) to provide that the Secretary's authority to grant exemptions extends to manufacturers of hazardous materials containers, as well as to shippers and carriers. This change is consistent with the Hazardous Materials Transportation Act which makes all three—shippers, carriers, and container manufacturers—subject to the Secretary's regulatory authority.

#### BACKGROUND AND NEED

In January 1975, Congress enacted and the President signed into law the Hazardous Materials Transportation Act which reorganized the Federal Government's regulatory program for the transportation of hazardous materials. The existing hazardous materials program was in a state of disarray. More than a half dozen Federal agencies had regulatory responsibilities over the transportation of hazardous materials. Enforcement and compliance powers were weak and inconsistent from mode to mode. Manufacturers of containers used to transport hazardous materials were not subject to the hazardous materials regulations. Thousands of exemptions from the regulations were being granted by the Department without public opportunity for notice and comment. In short, the Nation was burdened with an inefficient and inadequate regulatory program.

The Hazardous Materials Transportation Act, which had widespread bipartisan support, sought to remedy these problems. The new act accomplished the following:

- The removal of statutory restrictions on the Secretary's authority to centralize the DOT's regulatory activities relating to the safe transportation of hazardous materials by various modes.
- The extension of the Secretary's authority to impose civil penalties to violations committed in the rail and highway modes.
- A significant increase in the criminal sanctions for violations of hazardous materials regulations.
- Provision for various forms of specific relief as additional enforcement tools.
- A broadening of the definition of "commerce" to include transportation which *affects* interstate transportation.
- A broadening of the application of the hazardous material regulations to include Puerto Rico, the Virgin Islands, Guam, and American Samoa.
- Federal preemption of inconsistent State and local regulations and law.
- An extension of the Secretary's regulatory authority to the manufacturers of packages and containers used in the transportation of hazardous materials.
- Authorization for the Secretary to require shippers and carriers of hazardous materials, and manufacturers of hazardous materials containers to register with the DOT.
- A requirement that the public be given notice and opportunity to comment on petitions for exemptions from the regulations and limitations on the scope and length of such exemptions.

With a new legislative framework within which to work, it appeared as though the Department of Transportation was prepared to reinvigorate its hazardous materials transportation regulatory program. However, months elapsed before the Department began to implement this new authority. Despite the fact that the DOT had requested much of the authority contained in the new act, 6 months passed before the Materials Transportation Bureau (MTB) was formed to implement the legislation. The new Bureau is now responsible for exercising the authority vested in the Secretary with respect to intermodal hazardous materials functions and the issuance of all hazardous materials regulations and exemptions except for those regulations and exemptions governing bulk shipment of hazardous materials by water. The individual modes retained some responsibilities in the area of inspection, compliance, and enforcement.

While the establishment of the new Bureau was delayed, so were two important rulemaking procedures. First, docket HM-112, which was a consolidation of existing regulations that, like the Secretary's hazardous materials authority, were scattered through the regulatory provisions of the various modes. Provisions regarding air shipments appeared in title 14 of the Code of Federal Regulations, water transport appeared in title 46, while rail and highway appeared in title 49. As a result, shippers faced a scattered, unnecessarily confusing regulatory scheme. Consolidation would not only aid in shipper compliance, but would also assist the Department's surveillance and enforcement efforts. While the Department recognized the importance of this consolidation, almost 2 years passed before this important rulemaking was ultimately completed.

Another important rulemaking proceeding which was delayed was HM-134, addressing the subject of reissuance of existing regulations under the new authority contained in the Hazardous Materials Transportation Act. Without such an issuance, many of the provisions in the new act were meaningless. For example, the failure to reissue meant that the new enforcement provisions of the act, including the civil penalty authority, the increased criminal sanctions, and the assistance of the Federal district courts in halting violations were not effective. Nor was the provision preempting conflicting State law operative. Likewise, because the regulations had not been reissued, inhabitants of Puerto Rico, the Virgin Islands, American Samoa, and Guam were not protected by the Federal Government's regulations relating to the transportation of hazardous materials. Finally, the failure to reissue the regulations under the new act meant that specifications for hazardous materials containers were not enforceable against the manufacturers of those containers. It was not until March 3, 1976—14 months to the day after the enactment of the new law—that the Department finally reissued the regulations.

There are other regulatory initiatives which should be completed at the earliest practicable time. A regulation which should have already been issued is one detailing procedures for enforcing the Hazardous Materials Transportation Act with respect to shippers and manufacturers of containers. While the Bureau has indicated that it intends to issue such regulations "as soon as practicable" after the reissuance of the existing hazardous materials regulations, such procedures are not planned until July 1, 1976. The failure to issue these regulations

has decreased the effectiveness of the new act and the Committee urges the prompt publication of such regulations.

The development and promulgation of a hazard information system is another matter which should be given priority attention. Without such an informational system, local officials are at a serious disadvantage in their attempts to protect the public from the hazards that may be associated with an accident involving a hazardous material. The purpose of such a system is to inform local firefighters and other disaster officials of the nature of the hazardous material being transported and the type of precautions necessary to protect the public in case of a disaster.

Likewise, the MTB was asked to provide the Committee with a copy of its program plan for regulation for future years. The Committee found that not only did the Bureau not have such a program plan, but that it even failed to have definitive priority setting mechanisms for its regulatory activities. Such a program plan is important not only because it is a useful management tool, but it also puts industry on notice of its responsibilities in the coming years. The Committee urges the Bureau to establish such a program plan and to initiate mechanisms to evaluate the effectiveness of its regulatory activities on a regular basis.

During the Committee's oversight hearings, the Materials Transportation Bureau was requested to submit a list of the petitions for rulemaking relating to hazardous materials and to designate those to which the MTB or its predecessors have failed to respond. Of the more than 500 petitions submitted during an 8-year period, the Bureau has failed to respond—either affirmatively or negatively—to approximately half. Some of these petitions are more than 8 years old. While it is important that the Bureau be able to establish its own regulatory priorities, it is equally important that it respond to petitions from the public. The Committee plans to monitor closely the Bureau's record in responding to petitions for rulemaking in the future.

An important component of the new legislation was the provision contained in section 107 which requires a person seeking an exemption from the hazardous materials regulations to provide a safety analysis to justify the grant of the exemption. In its report on the explosion at Wenatchee, Wash., the National Transportation Safety Board (NTSB) underscored the importance of these safety analyses. The NTSB pointed out that safety problems which may have been the proximate cause of the Wenatchee accident would probably have been discovered earlier if a systematic search for unsafe relationships—a safety analysis—had been undertaken. In its testimony before the Committee on March 4, 1976, the Board also expressed concern about "the inadequacy of the safety analysis required by applicants by the Department's procedures." The Committee urges the MTB to give close scrutiny to the safety analyses prepared in conjunction with exemption requests to insure that the public will be adequately protected.

In his testimony before the Committee at the March 4, 1976, hearings, MTB Director James B. Curtis, Jr., indicated that the Bureau has been examining the use of performance standards for certain classes of hazardous materials for possible replacement of some of the existing design standards now applicable to containers and packages. Performance standards are standards that are keyed to the actual performance of

the package in question rather than the details of exactly how it is constructed. One advantage to the use of performance standards is that packaging innovations and changes in packaging technology can proceed without the necessity of recurrent changes in the applicable regulations or the interim use of exemption procedures. The Committee urges continued examination of the use of performance standards by the Materials Transportation Bureau.

The Committee recognizes that the implementation of the new authority in the Hazardous Materials Transportation Act will require the dedication of greater resources to the Materials Transportation Bureau. However, the President's budget reflects little hope that this important program will be given the resources which the MTB officials believe are necessary in order to properly implement this legislation. In our oversight hearings the Committee learned that the division of the MTB responsible for hazardous materials regulation—the Office of Hazardous Materials Operations (OHMO)—had requested 144 positions. The Department requested from the Office of Management and Budget 112 positions. The President's budget, however, provides for only 67 positions for OHMO—less than half the requested number. Likewise, the MTB requested \$2.6 million for transportation planning, research, and development for the OHMO. The Department requested only \$900,000 for this purpose and the President has allocated only \$400,000—less than one-sixth requested by the MTB.

The \$7 million authorization level for the next 2 fiscal years represents the Committee's belief that a greater resource commitment is warranted for the transportation of hazardous materials regulatory program.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1*

The short title of this bill is the "Hazardous Materials Transportation Act Amendments of 1976."

##### *Section 2*

This section would amend section 106(c) of the Hazardous Materials Transportation Act (49 U.S.C. 1805(c)) to delete the word "extremely" each time it appears. The term "extremely" should have been deleted when the Hazardous Materials Transportation Act was originally enacted and the deletion of this term is a conforming amendment.

##### *Section 3*

Section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)) would be amended by striking out the phrase "transports or causes to be transported or shipped hazardous materials in a manner so as to achieve" and by inserting in lieu thereof "will provide for". This amendment makes clear that the Secretary has the authority to exempt container manufacturers from the hazardous materials regulations so long as the container manufacturer complies with the requirements of section 107 of the act.

##### *Section 4*

Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) would be amended to authorize for appropriation for the

Materials Transportation Bureau to carry out programs relating to transportation of hazardous materials and for the Secretary for other activities carried out pursuant to the Hazardous Materials Transportation Act not to exceed \$7 million for the fiscal year ending September 30, 1977, and not to exceed \$7 million for the fiscal year ending September 30, 1978. The bill continues the authorization of appropriations for the fiscal year transition period enacted by Public Law 94-56 (\$1,750,000).

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be admitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

#### AMENDMENTS TO THE HAZARDOUS MATERIALS TRANSPORTATION ACT (49 U.S.C. 1801 ET SEQ.)

##### SECTION 106 OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT (49 U.S.C. 1805)

#### HANDLING OF HAZARDOUS MATERIALS

SEC. 106. (a). \* \* \*

(c) *Requirement*.—No person required to file a registration statement under subsection (b) of this section may transport or cause to be transported or shipped **[extremely]** hazardous materials, or manufacture, fabricate, mark, maintain, recondition, repair, or test packages or containers for use in the transportation of **[extremely]** hazardous materials, unless he has on file a registration statement.

##### SECTION 107 OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT (49 U.S.C. 1806)

#### EXEMPTIONS

SEC. 107. (a) *GENERAL*.—The Secretary, in accordance with procedures prescribed by regulation, is authorized to issue or renew, to any person subject to the requirements of this title, an exemption from the provisions of this title, and from regulations issued under section 105 of this title, if such person **[transports or causes to be transported or shipped hazardous materials in a manner so as to achieve]** *will provide for a level of safety* (1) which is equal to or exceeds that level of safety which would be required in the absence of such exemption, or (2) which would be consistent with the public interest and the policy of this title in the event there is no existing level of safety established. The maximum period of an exemption issued or renewed under this section shall not exceed 2 years, but any such exemption may be renewed upon application to the Secretary. Each person applying for such an exemption or renewal shall, upon application, provide a safety analysis as prescribed by the Secretary to justify the grant of such

exemption. A notice of an application for issuance or renewal of such exemption shall be published in the Federal Register. The Secretary shall afford access to any such safety analysis and an opportunity for public comment on any such application, except that nothing in this sentence shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(b) \* \* \*

#### SECTION 115 OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT (49 U.S.C. 1812)

#### AUTHORIZATION FOR APPROPRIATIONS

SEC. 115. **[There are authorized to be appropriated to carry out the provisions of this title not to exceed \$7,000,000 for the fiscal year ending June 30, 1976, and not to exceed \$1,750,000 for the transition period of July 1, 1976, through September 30, 1976.]** *There are authorized to be appropriated to the Secretary to carry out programs relating to the transportation of hazardous materials and for other activities carried out pursuant to this Act not to exceed \$1,750,000 for the transition period of July 1, 1976, through September 30, 1976, not to exceed \$7,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$7,000,000 for the fiscal year ending September 30, 1978.*

#### ESTIMATED COSTS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the cost of the legislation, in the form of new authorization for appropriations, is \$7 million for the fiscal year ending September 30, 1977 and \$7 million for the fiscal year ending September 30, 1978.

#### TEXT OF S. 2991, AS REPORTED

A BILL To amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hazardous Materials Transportation Act Amendments of 1976".*

SEC. 2. Section 106(c) of the Hazardous Materials Transportation Act (49 U.S.C. 1805(c)) is amended by striking out "extremely" each time it appears.

SEC. 3. Section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)) is amended by striking out the phrase "transports or causes to be transported or shipped hazardous materials in a manner so as to achieve" and insert in lieu thereof "will provide for".

SEC. 4. The text of section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended to read as follows: "There are authorized to be appropriated to the Secretary to carry out



programs relating to the transportation of hazardous materials and for other activities carried out pursuant to this Act not to exceed \$1,750,000 for the transition period of July 1, 1976, through September 30, 1976, not to exceed \$7,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$7,000,000 for the fiscal year ending September 30, 1978."

#### AGENCY COMMENTS

Agency comments were requested but none were received as of the date the bill was reported.

○

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

To amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hazardous Materials Transportation Act Amendments of 1976".*

SEC. 2. Section 106(c) of the Hazardous Materials Transportation Act (49 U.S.C. 1805(c)) is amended by striking out "extremely" each time it appears.

SEC. 3. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended by striking out "and not to exceed \$1,750,000" and inserting in lieu thereof "not to exceed \$1,750,000" and by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "and not to exceed \$5,000,000 per fiscal year for the fiscal years ending September 30, 1977, and September 30, 1978."

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*