



U.S. DEPARTMENT OF TRANSPORTATION

U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, SE
Washington, D.C. 20590

Mr. Mike Morrissette
President
Dangerous Goods Advisory Council
Suite 740 1100 H Street, NW
Washington, DC 20005

AUG 19 2010

Dear Mr. Morrissette:

This is in response to your August 10, 2010 letter requesting the Pipeline and Hazardous Materials Safety Administration (PHMSA) provide an extension of the comment period from August 26, 2010 to September 26, 2010 for a Notice of Proposed Rulemaking (NPRM) published July 27, 2010 under Docket No. PHMSA-2009-0410 (HM-233B), entitled "Hazardous Materials Transportation: Revisions of Special Permits Procedures." This NPRM proposes to revise the procedures for special permit applications. The proposed rule would require that applicants include certain fitness and safety information in their applications. In addition, this NPRM proposes to provide an online application option.

In support of your request, you suggest that a comment period ending August 26, 2010 poses a potential for decisions that may be detrimental to the effectiveness of the program and that you are unaware of any imperative safety urgency regarding the processing of this rulemaking. You point out that commenters are usually allowed longer comment periods for other rulemakings dealing with more critical safety issues, and that you are concerned about the quality of comments you may be able to provide. You note that the DOT Inspector General's (IG) report was critical of PHMSA's management of the Special Permits program, but that you are unaware of any significant shortcomings in the regulatory procedures applicable to special permits applications. Further, you express concern that this rulemaking is a seemingly unnecessary diversion from efforts to address issues identified by the IG, and may impact PHMSA's ability to address the IG's recommendations and process special permits applications in a timely fashion.

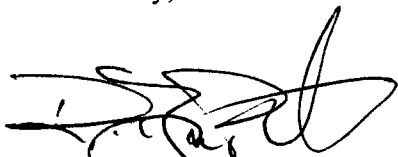
In accordance with § 106.75 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), your request is denied for the following reasons:

As explained in the NPRM, we are proposing to revise the special permits application procedures by clarifying existing requirements and requiring more detailed information to strengthen our oversight of the special permits program. PHMSA believes the proposed revisions would facilitate a more effective and thorough assessment of an applicant's operations, which would enhance our decision making processes. PHMSA believes that this improved information and analysis would address recommendations in the IG's report. The additional information will also enhance PHMSA's ability to monitor operations after the issuance of a special permit and to take corrective actions when necessary to ensure safety.

However, the changes proposed are not anticipated to significantly change the application process. Also, allowing applicants to file electronically will improve the efficiency of the application process for applicants and PHMSA. Lastly, although the comment period for this rulemaking ends on August 26, 2010, as specified in § 106.70(b), we will consider late filed comments to the extent possible.

If you have any questions, please contact Mr. Glenn Foster, at 202-366-8553. I look forward to working with you and your organization to assure that hazardous materials are transported safely and securely.

Sincerely,



fa Dr. Magdy El-Sibaie,
Associate Administrator Office of Hazardous Materials Safety