

**Department of Transportation  
Office of the Chief Information Officer  
Supporting Statement**

Hazardous Materials Public Sector Training and Planning Grants  
OMB Control No. 2137-0586  
(Expiration Date: February 28, 2018)

**Introduction**

This information collection was originally initiated as a result of a rulemaking published in the Federal Register on September 17, 1992 [57 FR 43062] under Docket No. HM-209. This rulemaking implemented a reimbursable grant program to enhance existing State, Indian tribal, and local hazardous materials emergency response programs. This specific information collection addresses the burden associated with the paperwork required of applicants applying for hazardous materials sector training and planning grants. This is to request the Office of Management and Budgets (OMB) renew three year clearance with revisions for the information collection entitled, "Hazardous Materials Public Sector Training and Planning Grants," OMB Control No. 2137-0586, which is currently due to expire on February 28, 2018.

**Part A. Justification.**

1. Circumstances that make collection of information necessary.

This is a request for a revision with change of an existing information collection approval under OMB No. 2137-0586. Part 110 of the Hazardous Materials Regulations (49 CFR 100-180) addresses a reimbursable grant program to enhance existing State, local, and Indian tribal hazardous materials emergency preparedness response programs. This information collection supports the Departmental Strategic Goal for safety.

This reimbursable grant program is required by Section 5116 (49 App. U.S.C.) of the Federal hazardous materials transportation law. Section 5116 authorizes the Secretary to provide assistance to States and Indian tribes for hazardous materials emergency response planning and training. The purpose of the grant program is to increase State, local, and Indian tribal effectiveness in safely and efficiently handling hazardous materials accidents and incidents; enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA); and encourage a comprehensive approach to emergency planning and training by incorporating the unique challenges of response to transportation situations. Where practicable, the Department relies on its general grant provisions contained in 49 CFR Part 18,

“Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.”

This revision is required as part of a statutory requirement in the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141, July 6, 2012) (MAP-21) to submit an annual report to Congress that identifies the ultimate recipients of HMEP grants and contains a detailed accounting and description of each grant expenditure by each grant recipient, including the amount of, and purpose for, each expenditure.

2. How, by whom, and for what purpose is the information used.

The HMEP grant program, as mandated by 49 U.S.C. 5101 et seq., provides Federal financial and technical assistance to States, Territories, and Indian Tribes to “develop, improve, and carry out emergency plans” within the National Response System and the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA, Title III), 42 U.S.C. 11001 et seq. The programs developed under the grant program increase the emphasis on transportation in ongoing efforts, and improve the capability of communities to plan, train for, and respond to the full range of potential risks.

The information would be collected by the Pipeline and Hazardous Materials Safety Administration (PHMSA) in applications for grant awards and mid-year and final reports from all HMEP grant recipients. It will provide critical data on locations where PHMSA grant dollars are being used to plan and train to respond to hazmat transportation incidents. This information will provide PHMSA with an indication of where gaps exist in training and planning, as well as information on where training and planning for hazmat transportation incidents has reduced such incidents. In addition to current and past reports to Congress, which detail “outputs” from grant awards, such as numbers of entities trained, number of plans exercised, or number of commodity flow studies completed, PHMSA will be able to provide to Congress in its annual report a correlation between planning and training funded by the HMEP grant and hazmat incident levels within a given jurisdiction.

Planning Grant Program

Planning grants may be used for specific activities that include the following:

- (1) The development, improvement, and implementation of emergency plans required under EPCRA, as well as exercises which test the emergency plan. The enhancement of emergency plans to include hazard analysis, as well as response procedures for emergencies involving the transportation of hazardous materials, including radioactive materials.

- (2) An assessment to determine the flow patterns of hazardous materials within a State, between a State, and another State or Indian country, and the development and maintenance of a system to keep such information current.
- (3) An assessment of the need for regional hazardous materials emergency response teams.
- (4) An assessment of local response capabilities.
- (5) Conduct emergency response drills and exercises associated with emergency preparedness plans.
- (6) Provision of technical staff to support the planning effort.
- (7) Additional activities the Associate Administrator deems appropriate to implement the scope of work for the proposed project plan and approved in the grant.

### Training Grant Program

Training grants may be used for specific activities that include the following:

- (1) An assessment to determine the number of public sector employees employed or used by a political subdivision who need the proposed training and to select courses consistent with the National Curriculum.
- (2) Delivery of comprehensive preparedness and response training to public sector employees. Design and delivery of preparedness and response training to meet specialized needs. Financial assistance for trainees and for the trainers, if appropriate, such as tuition, travel expenses to and from a training facility, and room and board while at the training facility.
- (3) Emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans.
- (4) Expenses associated with training by a person (including a department, agency, or instrumentality of a State or political subdivision or an Indian tribe) and activities necessary to monitor such training including, but not limited to examinations, critiques, and instructor evaluations.
- (5) Provision of staff to manage the training effort designed to result in increased benefits, proficiency, and rapid deployment of local and regional responders.
- (6) Additional activities the Associate Administrator deems appropriate to implement the scope of work for the proposed project and approved in the grant.

### Grant Applications

Funding for the grant program beginning in FY 1993 is generated through a registration fee to be collected from certain shippers and carriers of hazardous materials and certain packaging manufacturers.

The grant program provides for multi-year scopes of work promoting the opportunity for long-term planning and training programs. By law, 75% of the planning funds must be passed through to local emergency planning committees established under EPCRA. Seventy-five percent of the training funds must be used for the purpose of training public sector employees to respond to emergencies involving hazardous materials. The grant program is designed to increase the emphasis on transportation in ongoing planning and training efforts. This comprehensive approach supports communities in their efforts to address the full range of potential risks they face. As prescribed by law, the grant program is intended to ensure that the maximum amount of funding and benefit of training will reach the local level.

The Grant Application package required in 49 CFR 110.30(a) must include the following:

- (1) Application for Federal Assistance for Non-Construction Programs (SF-424) and Budget Sheets (SF-424A). A single application may be used for both planning and training if the budgets for each are entered separately on all budget sheets.
- (2) For States, a letter from the Governor designating the State agency authorized to apply for a grant and written certifications to receive a grant.
- (3) For Indian tribes, a letter from the tribal government, governing body, or tribal council to the effect that the applicant is authorized to apply for a grant and to provide the written certifications required in order to receive a grant.
- (4) A written statement explaining whether the State or tribe assesses and collects fees on the transportation of hazardous materials and whether such assessments or fees are used solely to carry out purposes related to the transportation of hazardous materials.
- (5) A statement designating a project manager and providing the name, position, address, and telephone number of the individual who will be responsible for coordinating the funded activities with other agencies/organizations.
- (6) A project narrative statement of the goals and objectives of the proposed project, project design, and long-range plans. The proposed grant project and funding periods may be one or more years.
- (7) A statement of work in support of the proposed project that describes and sets priorities for the activities and tasks to be conducted, costs associated with each activity, number and types of deliverables and products to be completed, and a schedule for implementation.
- (8) A description of the major items of costs needed to implement the statement of work and a copy of any cost or price analysis if conducted.
- (9) Drug-Free Workplace Certification. The applicant must certify, as specified in Appendix C of 49 CFR Part 29, that it will comply with the Drug-Free Workplace Act of 1988 (Pub. L. 100-690).

- (10) Anti-Lobbying Certification. The applicant must certify, as specified in Appendix A of 49 CFR Part 20, that no Federal funds will be expended to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress (Pub. Law 101-121).
- (11) Debarment and Suspension Certification. The applicant must certify, as specified in Subpart G of 49 CFR Part 29, that it will not make an award or permit any award to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs (Pub. L. 100-17).

Planning. In addition to the requirements specified in § 110.30(a), eligible State applicants must include the following in their application package as required by § 110.30(b):

- (1) A written certification that the State is complying with sections 301 and 303 of the Emergency Planning and Community Right-to-Know Act of 1986, including a brief explanation of how compliance has been achieved.
- (2) A written statement specifying the aggregate expenditure of funds of the State, exclusive of Federal funds, for each of its last five fiscal years for developing, improving, and implementing emergency plans under the Emergency Planning and Community Right-to-Know Act of 1986, including an explanation specifying the sources of these funds. A written certification that the State's aggregate expenditures, as defined by the State, of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last five fiscal years. The applicant may not claim any of these expenditures for cost-sharing.
- (3) A written statement agreeing to make at least 75% of the Federal funds awarded available to LEPCs and an explanation of how the applicant intends to make such funds available to them for developing, improving, or implementing emergency plans.
- (4) Designation of a project manager to serve as contact for coordinating planning funds under this program.
- (5) A project narrative statement of the goals and objectives of each proposed project, including the following:
  - (i) A background statement describing the applicant's long-term goals and objectives with respect to:
    - (A) The current abilities and authorities of the applicant's program for preparedness planning;
    - (B) The need to sustain or increase program capability;
    - (C) Current degree of participation in or intention to assess the need for a regional hazardous materials emergency response team; and

- (D) The impact that the grant will have on the program.
- (ii) A discussion of whether the applicant's program currently knows, or intends to assess, transportation flow patterns of hazardous materials within the State and between that State and another State.
- (iii) A schedule for implementing the proposed grant activities.
- (iv) A statement describing the ways in which planning will be monitored by the project manager.
- (v) A statement indicating that all members of the State Emergency Response Commission were provided the opportunity to review the grant application.

Training. In addition to the requirements specified in § 110.30(a), eligible State and Indian tribe applicants must include the following in their application package as required by § 110.30(b):

- (1) For a State applicant, a written certification explaining how the State is complying with sections 301 and 303 of EPCRA.
- (2) A written statement specifying the aggregate expenditure of funds of the State or Indian tribe, exclusive of Federal funds, for each of its last five fiscal years for training public sector employees to respond to accidents and incidents involving hazardous materials, including an explanation specifying the sources of these funds. A written certification that the applicant's aggregate expenditure, as defined by the State or tribe, of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last five fiscal years. The applicant may not claim any of these expenditures for cost-sharing purposes.
- (3) For a State applicant, a written statement agreeing to make at least 75% of the Federal funds awarded available for the purpose of training public sector employees employed or used by political subdivisions. A State applicant may elect to pass all or some portion of the grant on to political subdivisions for this purpose. The applicant must include a specific explanation of how it intends to meet this requirement.
- (4) Designation of a primary point of contact for coordinating training funded under this program. Identification of a single repository for copies of course materials delivered under the grant as specified in §110.90.
- (5) A project narrative statement of the long-range goals and objectives of each proposed project, including the following:
  - (i) A background statement describing:
    - (A) The current hazardous materials training program(s);

- (B) Training audience, including numbers and levels of training and accreditation program for each level or criterion required to advance to the next level;
  - (C) Estimated total number of persons to be trained under the proposed project;
  - (D) The ways in which training grants will support the integrated delivery of training to meet the needs of individualized geographic and resource needs and time considerations of local responders. When appropriate, a statement describing how the proposed project will accommodate the different training needs for rural versus urban environments; and
  - (E) The impact that the grant and the National Curriculum will have on the program.
- (ii) A statement describing how the National Curriculum will be used or modified to train public sector employees at the local level to respond to accidents and incidents involving hazardous materials.
  - (iii) A statement describing the ways in which effectiveness of training will be monitored by the project manager, including, but not limited to, examinations, critiques, and instructor evaluations.
  - (iv) A schedule for implementing the proposed training grant activities.
  - (v) A statement indicating that all members of the State or Tribal Emergency Response Commission were provided the opportunity to review the grant application.

### Financial Administration

As required by 2 CFR §200.302, a State must expend and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its sub-grantees and cost-type contractors, must be sufficient to:

- (1) Permit the preparation of reports required by general and program-specific terms and conditions including the tracing of funds provided for planning to a level of expenditure adequate to establish that at least 75% of the funds provided were made available to LEPCs for developing, improving, and implementing emergency plans; and the tracing of funds provided for training to a level of expenditure adequate to establish that at least 75% of the funds provided were made available for the purposes of training public sector employees employed or used by political subdivisions.

- (2) Permit the tracing of funds to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.

The financial management systems of Indian tribes and any sub-grantees must meet the standards of 2 CFR §200.302 including the ability to trace funds provided for training to a level of expenditure adequate to establish that at least 75% of the funds provided were made available for the purposes of training public sector employees employed or used by political subdivisions.

Advances shall be made to States and Indian tribes consistent with 2 CFR §200.305 and 31 CFR part 205. The Associate Administrator shall base these advances on demonstrated need, which will be determined on a case-by-case basis, considering such factors as State/Tribal budget constraints and reductions in amounts budgeted for hazardous materials activities. To obtain an advance, a State or Indian tribe must comply with the following requirements:

- (1) A letter from the Governor or Tribal leader or their designee is required specifying the extenuating circumstances requiring the funding advance for the grant;
- (2) The maximum advance request may not be more than \$25,000 for each State or Indian tribe;
- (3) Recipients of advance funding must obligate those funds within 3 months of receipt;
- (4) Advances including interest will be deducted from the initial reimbursement to the State or Indian tribe; and
- (5) The State or Indian tribe will have its allocation of current grant funds reduced and will not be permitted to apply for future grant funds until the advance is covered by a request for reimbursement. For example, if \$25,000 is advanced for personnel costs, this advance would be deducted from the initial reimbursement in the year the advance was made.

To be allowable, costs must be eligible, reasonable, necessary, and allocable to the approved project in accordance with 2 CFR 200 Subpart E – Cost Principles, and the special terms and conditions included in the grant award. Costs incurred prior to the award of any grant are not allowable. Recipient agencies are responsible for obtaining audits in accordance with the Single Audit Act of 1984 (31 U.S.C. 7501) and regulations at 2 CFR 200 Subpart F - Audit Requirements. The Associate Administrator may audit a recipient agency at any time.



## Grant Monitoring, Reports and Record Retention

### Grant monitoring

Project managers are responsible for managing the day-to-day operations of grant, sub-grant and contract-supported activities. Project managers must monitor performance of supported activities to assure compliance with applicable Federal requirements and achievement of performance goals. Monitoring must cover each program, function, activity, or task covered by the grant. Monitoring and reporting requirements for planning and training are contained in this part; general grant reporting requirements are specified in 2 CFR part 1201; 2 CFR §200.327; § 200.328 and the terms and conditions contained in the grant award.

### Reports

The mid-year performance report is due 30 days after the end of the second quarter of each fiscal year. Semi-annual performance reports for planning and training must include a comparison of actual accomplishments to the stated goals and objectives established for the performance period, and the reasons for not achieving those goals and objectives, if applicable. In addition, 49 USC 5116 now requires PHMSA to identify the ultimate recipients of HMEP grants and provide Congress with a detailed accounting and description of each grant expenditure by grant recipient, including the amount of, and purpose for, each expenditure. In response to this change, the additional questions are designed to collect more detailed information at the sub-grantee level as opposed to more generalized information at the grantee level. Specifically, instead of reporting on total training numbers and planning activities, grantees will be required to report on activities and financial expenditures at the sub recipient level “ultimate recipient of funds.” These questions are similar to what was collected previously but directed towards the sub recipients. PHMSA is also seeking to collect midyear progress reports, as well. Specific reporting requirements are as follows:

1. A brief description of any issues or delays that impacted the agency’s ability to utilize or administer its HMEP award.
2. An explanation for an unexpended balance, if applicable.
3. A narrative detailing how the state/ tribe/territory, through the use of HMEP planning and training funds, is better suited to handle accidents and incidents involving the transport of hazardous materials.
4. Sub-grantee information for reporting period.
  - a. What are the names and requested funding amount for each sub-grantee?
  - b. What is the award amount of each sub-grantee?

- c. What is the amount expended by the close of the reporting period for each sub-grantee?
  - d. Provide a list of the planning and training activities that occurred and the amount expended per LEPC.
  - e. LEPC EPCRA activities: provide the number of Commodity Flow Studies Conducted, Number of Hazardous Risks Analyses Performed, Number of Emergency Plans Written, Number of Emergency Plans Updated, Number of Emergency Plans or Drills Exercised, per LEPC.
  - f. Number of hazardous materials drills or exercises conducted during the performance period by mode of transport: air, water, highway, and rail;
  - g. List the type of hazmat involved in planning exercises/drills
5. Information on Local Emergency Planning Committees.
- a. List the total number of LEPCs in your state, territory, or Tribal land, both active and inactive, and total number of LEPCs you plan to sub-award planning funds to.
  - b. Briefly explain your LEPCs/subgrantees selection process or the methodology you have used or plan to use to make subawards.
  - c. List the names of LEPCs you plan to sub-award HMEP planning funds to. If proposals have already been received, provide planned activities and estimated activities and estimated activity cost per LEPC f. Activities planned under NFPA `472 Core Competency Standards. List number of individuals expected train under the following categories: Initial training (awareness, operational, specialist, technician) and Refresher Training (awareness, operational, specialist, technician).
  - d. List the number of LEPCs you plan to sub-award training funds to.
  - e. Briefly explain your LEPCs/subgrantees selection process or the methodology you have used or plan to use to make training subawards.
  - f. If LEPC training proposals have already been received, provide the proposed training activities and estimated activity cost per LEPC.
6. Assessment of Response Capabilities for Accidents/Incidents Involving the Transportation of Hazardous Materials.
- a. Provide the total number of public sector emergency responders trained in the following Initial and Refresher training categories: Awareness, Operational, Specialist, and Technician.

- b. What is the number of emergency response teams with a HAZMAT specialty unit that receive HMEP funds?
7. Provide ongoing and completed activities for each reporting period, including:
- a. The name of the activity
  - b. The purpose of the activity
  - c. The number of participants involved in the activity
  - d. General description of supplies needed to conduct the activity (if applicable)
  - e. The name and description of any equipment needed to conduct the activity (if applicable).
  - f. Provide the start and end date for the activity (if applicable)
  - g. What was the outcome of each completed activity?
  - h. What is the expected output of each completed activity?
  - i. Provide actual cost of each activity and state whether the activity is in progress or completed.
  - j. Financial reporting 2 CFR 200.327, shall be supplied quarterly using Standard Form 425. The project manager shall report separately on planning and training.
  - k. The final financial report (SF-425) and final performance report is due 90 days after the expiration or termination of the grant.

## **8. Reporting (Midyear and Final)**

- a. A brief description of any issues or delays that impacted the agency's ability to utilize or administer its HMEP award.
- b. An explanation for an unexpended balance, if applicable.
- c. A narrative detailing how the state/tribe/territory, through the use of HMEP planning funds, is better suited to handle accidents and incidents involving the transport of hazardous materials;
- d. Provide a list of the planning activities that occurred and the amount expended per LEPC.

LEPC EPCRA activities: provide the number of Commodity Flow Studies Conducted, Number of Hazardous Risks Analyses Performed, Number of Emergency Plans Written, Number of Emergency Plans Updated, Number of Emergency Plans or Drills Exercised, per LEPC.

- a. Assessment of Response Capabilities for Accidents/Incidents Involving the Transportation of Hazardous Materials Provide ongoing and completed activities for each reporting period, including:

- b What is the name of the activity?
- c What is the purpose of the activity?
- d What is the number of participants involved in the activity?
- e What are the name and description of supplies needed to conduct the activity (if applicable)?
- f What are the name and description of any equipment needed to conduct the activity (if applicable)?
- g What was the start and end date for the activity (if applicable)?
- h What was the outcome of each completed activity?
- i What is the expected output of each completed activity?
- j Provide actual cost of each activity and state whether the activity is in progress or completed.

### Records retention

In accordance with 2 CFR 200.328, §200.333 and 200.336, all financial and programmatic records, supporting documents, statistical records, training materials, and other documents generated under a grant shall be maintained by the project manager for three years from the date the project manager submits the final financial report (SF-425). The project manager shall designate a repository and single-point of contact for planning and for training, or both, for these purposes. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

### After-Grant Requirements

The Associate Administrator will close out the award upon determination that all applicable administrative actions and all required work of the grant are complete in accordance with 2 CFR §200.343. The project manager must submit all financial, performance, and other reports required as a condition of the grant, within 90 days after the expiration or termination of the grant. This time frame may be extended by the Associate Administrator for Hazardous Materials Safety for cause.

### Deviation

Recipient agencies may request a deviation from the non-statutory provisions of this part. The Associate Administrator will respond to such requests in writing. If appropriate, the decision will be included in the grant agreement. Request for deviations from part 110 must be submitted to: Grants Manager, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., Washington, DC 20590-0001.

Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 et seq.) specifies that Hazardous Materials Emergency Preparedness (HMEP) grant funds are to be allocated based on the needs of states and Indian tribes for emergency response planning and training, considering a number of factors including whether the state or tribe imposes and collects a fee on the transportation of hazardous materials and whether the fee is used only to carry out a purpose related to the transportation of hazardous materials (40 U.S.C. 5116(b)(4)). Accordingly, the HMEP grant application procedures in Part 110 require applicants to submit a statement explaining whether the applicant assesses and collects fees for the transportation of hazardous materials and whether those fees are used solely to carry out purposes related to the transportation of hazardous materials.

Section 5125(f) of the Federal hazmat law permits a state, political subdivision of a state, or Indian tribe to impose a fee related to the transportation of hazardous materials only if the fee is fair and used for a purpose related to transporting hazardous materials, including enforcement and planning, developing, and maintaining a capability for emergency response. In accordance with § 5125, the Department of Transportation may require a state, political subdivision of a state, or Indian tribe to report on the fees it collects, including: (1) the basis on which the fee is levied; (2) the purposes for which the revenues from the fee are used; and (3) the total amount of annual revenues collected from the fee. Until now, we have not proposed asking states, political subdivisions, or Indian tribes to report this information.

3. Extent of automated information collection.

The burden has been made as simple as possible. The information is considered critical in assuring an effective grant program. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. Electronic filing and recordkeeping is authorized.

4. Efforts to identify duplication.

There is no duplication as the information is unique to specific situations. Each response is unique and information derived from one may not be inferred to another.

5. Efforts to minimize the burden on small businesses.

The collection of this information is reviewed periodically to ensure that the amount of information needed to implement the grants program is kept to a minimum.

6. Impact of less frequent collection of information.

It is essential that PHMSA receives the required information from the grant applicants to ensure that funding resources are properly distributed to applicants most in need. The collection of this information is reviewed periodically to ensure that the requirements involving safety in the transportation of hazardous materials are kept to the necessary standards to protect all parties involved.

7. Special circumstances.

This collection of information is generally conducted in a manner consistent with the guidelines in 5 CFR 11320.5(d)(2). However, it is not possible to substantially reduce or eliminate the requirements contained in this collection and still maintain standards necessary to implement the grants program.

8. Compliance with 5 CFR 1320.8.

A 60-Day Notice and Request for comments on the renewal of this information collection was published in the Federal Register on December 4, 2013 [78 FR 72972] under Docket No. PHMSA-2013-0241 (Notice No. 13-18). The comment period closed on February 3, 2014. PHMSA received six comments from national organizations representing grant recipients, grant recipients themselves, and trade association representing hazmat shippers.

Most of the comments in opposition to the information collection request are from representatives of grantees, e.g., NASTTPO, and grantees themselves, i.e., California and Oklahoma. Generally, these comments indicate that some of the data requested is not relevant to the HMEP program, is not readily available, or getting the information would take much more time than stated in the 60-Day Notice. The comments in favor of the information collection are from the Institute of the Makers of Explosives (IME) and the International Association of Fire Chiefs (IAFC). These comments support collecting information that will improve the accountability and transparency of the HMEP grant program. The comments beyond-the-scope are from IAFC, IME, and California. These commenters request that PHMSA ask grantees for information in addition to that requested in the 60-Day Notice or change the way in which grant

funds are distributed. The questions that seek clarification of the terminology in the 60-Day Notice are from the state of California.

A 30-Day Notice and Request for comments was published in the Federal Register on September 26, 2014 [79 FR 58031] also under Docket No. PHMSA-2013-0241 (Notice No. 13-18).

In response to commenters opposed to the changes in this information collection PHMSA notes that it has a responsibility to collect the information required in MAP-21, in addition to the information that was already required by statute and regulations. PHMSA does not intend to collect information that is inaccessible or otherwise unattainable to our grantees. Therefore, in response to the commenters, PHMSA has removed questions that, to PHMSA's knowledge, are beyond what is required by law.

9. Payments or gifts to respondents.

There is no payment or gift provided to respondents associated with this collection of information.

10. Assurance of confidentiality.

None of the data collected contain personally identifiable information (PII) or business confidential information. Therefore, no guarantees of confidentiality are provided to applicants.

11. Justification for collection of sensitive information.

Not applicable. No sensitive information is required.

12. Estimate of burden hours for information requested.

The estimate of annual burden hours and annual burden costs is as follows:

**Estimate of Annual Burden: 5,159.86 burden hours (4786 + 373.86) or 5,160 burden hours**

Increased based on this changes made in this revision:

Gather General Grantee and Sub-grantee information

62 respondents × 1 hr = 62 hours

Gather Information on LEPCs

62 respondents × 1 hr = 62 hours  
Conduct Assessment of Potential Chemical Threats

62 respondents × 1 hr = 62 hours

Conduct Assessment of Response Capabilities for Accidents/Incidents

62 respondents × 0.5 hr = 31 hours

Conduct HMEP Planning and Training Grant Reporting

62 respondents × 0.5 hr = 31 hours

Describe HMEP Planning Goals and Objectives

62 respondents × 0.5 hr = 31 hours

Describe HMEP Training Goals and Objectives

62 respondents × 0.33 hr = 20.46 hours

Conduct HMEP Training and Planning Assessment

62 respondents × 0.5 hr = 31 hours

Hazmat Transportation Fees

62 respondents × 0.45 hr = 27.9 hours

Ensure that Grant Applicant is NIMS Compliant/Grant Application Is Reviewed By SERC

62 respondents × .08 hr = 4.96 hours

Perform HMEP Grant Program Administration

62 respondents × 0.17 hr = 10.54 hour

**Total increase in Information Collection Burden is 373.86 hours** (62 + 62 + 62 + 31 + 31+ 31 + 20.46 + 31 + 27.9 + 4.96 + 10.54)



**Previous Burden:**

We estimate that the total population of respondents affected by this information collection is approximately 62 respondents, with each respondent submitting one response (application) annually. At approximately 78 (77.2) hours per response, we calculate the total annual burden for this information collection to be 4,822.9 hours.

62 respondents x 77.2 hours per response = 4,786 annual burden hours

**Estimate of Annual Burden Hours (Management and Clerical):**

There are 62 entities who apply for and are awarded grants annually. The application process is anticipated to require approximately 77.2 hours (61.2 hours of management time and 16.0 hours of clerical time per entity).

(61.2 management hours x 62 respondents) + (16.0 clerical hours x 62 respondents) = 3,794 management hours + 992 clerical hours = 4,786 annual burden hours of information collection burden for grant recipients.

<b>Management (per application):</b>	61.2
<b>Clerical (per application):</b>	<u>16.0</u>
	<b><u>77.2</u></b>
<b>Management (Annual):</b>	3,794
<b>Clerical (Annual):</b>	<u>992</u>
	<b><u>4,786</u></b>

**Total Management Hours:** 2,170+ 1,252 + 372 = 3,794 hours.

One professional for each respondent spending approximately 35 hours for management level preparation and review of the grant application.

35 hours x 62 respondents = **2,170 hours.**

One professional for each respondent spending approximately 20.2 hours for administration of grant.

20.2 hours x 62 respondents = **1,252 hours.**

One professional for each respondent spending approximately 6 hours for management level closeout of grant.

6 hours x 62 respondents = **372 hours.**

**Total Clerical Hours:** **372 + 496 + 124 = 992 hours.**

One clerical for each respondent spending approximately 6.3 hours on preparation of the grant.

6 hours x 62 respondents = **372 hours.**

One clerical for each respondent spending approximately 8 hours on administration.

8 hours x 62 respondents = **496 hours.**

One clerical for each respondent spending approximately 2 hours to closeout grants at approximately.

2 hours x 62 respondents = **124 hours.**

13. Estimate of total annual costs to respondents.

This collection does not require participants to produce any additional paperwork other than what are described in question 12.

14. Estimate of cost to the Federal government.

The estimated cost to the Federal government is approximately \$145,920.00.

One professional program coordinator and one professional spend a total of 1,920 hours annually each, processing and monitoring grant applications, grant allocation methods, and technical assistance at approximately \$38.00.

1,920 hours x \$38.00 per hour = \$72,960.00 x 2 Federal employees (1 program coordinator and 1 professional) = **\$145,920.00 cost to the Federal government.**

15. Explanation of program changes or adjustments.

Changes have been to this information collection due to an increased level of reporting required of grantees as part of a statutory requirement in the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141, July 6, 2012) (MAP-21). This increase is in the additional information required for the two reports that grantees submit to PHMSA during the reporting year.

16. Publication of results of data collection.

There results of this information collection will be published in an annual report to congress.

17. Approval for not displaying the expiration date of OMB approval.

This information collection OMB Control number is prominently displayed in the HMR, specifically under § 171.6, entitled, “Control Numbers under the Paperwork Reduction Act.”

18. Exceptions to certification statement.

There is no exception to PHMSA’s certification of this request for information collection approval.