tank subject to COMAR 26.10.01.16.D must appear at a place designated by MDE and demonstrate, by passing an examination, that he or she has knowledge of procedures for handling oil. MDE does not dispute that the training received by an operator of a CHS transport vehicle subject to COMAR 26.13.04.01.F must include instruction in certain Maryland requirements and must be administered by an instructor meeting certain experience requirements. Finally, MDE does not dispute that a cargo tank motor vehicle carrying oil or a vehicle carrying CHS may not be operated in Maryland for the purpose of loading or unloading within the State, unless the operator has applied to the MDE and received the required certificate.

As to how the provisions in question are enforced or applied, MDE disputes only RSPA's characterization of the CHS operator's examination requirement. It states that an examination is not required, but that a statement from the operator's employer that approved training has been completed may suffice. See also 58 FR 29322-23 & n. 5 (CWTI/NTTC agreement with this characterization). COMAR 26.13.04.01.F(6) provides that MDE may require an applicant for a certificate to pass an administered written examination; MDE does not say unambiguously that it never so requires. Regardless, if, as MDE applies and enforces its rules, there is no examination requirement under COMAR 26.13.04.01.F, then no preemption of an examination requirement is found. It remains, however, that the requirement that CHS vehicle operators apply for and obtain a certificate is preempted as more strict than the HMR.

MDE requires operator training in Maryland hazardous waste regulations, and concedes that the HMR do not require this. It claims that its requirement nevertheless is not more strict than the HMR because the HMR should be deemed to require operator training in the laws of States of operation. That the MDE believes the HMR should require operator training in the laws of States of operation, however, does not mean that the HMR actually do require that type of training.

The HMR do not prohibit an employer from training its employees in the requirements of the various States. Indeed, because an employer likely would be liable for an operator's violation of State law, the employer would be wise to instruct its employees on the laws of the States in which they operate. Nonetheless, the HMR do not require it. Operator training that did not

include instruction in Maryland hazardous waste law would not for that reason violate the HMR; it would, however, violate COMAR 26.13.04.01.F(4). This suffices to show that the Maryland requirement, in this respect, is more strict than the HMR.

MDE correctly surmises that its enforcement of the certificate requirement against operators of vehicles loading or unloading CHS other than RCRA hazardous waste does not affect the preemption determination. If the CHS that is not RCRA hazardous waste otherwise qualifies as a hazardous material under the HMR, then the determination applies to operators of vehicles loading or unloading that material to the same extent as it applies to operators loading or unloading RCRA hazardous waste. If that CHS is not a hazardous material, the preemption determination does not apply. Training requirements for operators of vehicles not transporting hazardous materials are not preempted by the HMR.

Finally, the MDE petition suggests some confusion about the effect of a RSPA preemption determination that rules unfavorably on some, but not all, elements of a State rule. The Maryland rules are preempted only to the extent that they are an obstacle to accomplishing the purposes of Federal hazmat law. Ray v. Atlantic Richfield, Inc., 435 U.S. 151 (1978). Accordingly, to the extent the rules are applied and enforced against non-domiciled operators without the offending elements, namely the requirement to pass an MDE-administered examination, the requirement for training in Maryland laws, the instructor experience criterion and the certification requirement, they are not preempted.

IV. Ruling

For the reasons stated above, the MDE petition for reconsideration is denied. This decision incorporates and reaffirms the determination, set forth at 59 FR 28920, that 49 U.S.C. 5125:

Preempts Maryland regulations COMAR 26.10.01.16.D and COMAR 26.13.04.01.F, requiring certification of operators of motor vehicles loading or unloading hazardous materials in Maryland, as they apply to vehicle operators not domiciled in Maryland. Specifically, these requirements are stricter than Federal operator training requirements and therefore are obstacles to accomplishing the full purposes and objectives of [Federal hazmat law]. As applied to vehicle operators domiciled in Maryland, the requirements are not preempted.

V. Final Agency Action

In accordance with 49 CFR 107.211(d), this decision constitutes

RSPA's final agency action on the April 19, 1993 CWTI/NTTC application for a determination of preemption as to the above-specified Maryland requirements. Any party to this proceeding may seek review of this determination "by the appropriate district court of the United States * * * within 60 days after such decision becomes final." 49 U.S.C. 5125.

Issued in Washington, DC on February 17, 1995.

Alan I. Roberts.

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 95–4625 Filed 2–23–95; 8:45 am] BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

February 17, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

U.S. Customs Service (CUS)

OMB Number: 1515-0065

Form Number: CF 7501 and CF 7501A

Type of Review: Extension

Title: Entry Summary (7501) and Entry Continuation Sheet (7501A)

Description: Customs Form 7501 is used by Customs as a record of the impact transaction, to collect the proper duty, taxes, exactions, certifications and enforcement endorsements, and to provide copies to Census for statistical purposes.

Respondents: Businesses or other forprofit

Estimated Number of Respondents: 2,675

Estimated Burden Hours Per Respondent: 20 minutes Frequency of Response: On occasion Estimated Total Reporting Burden: 3,454,852 hours

Clearance Officer: Laverne Williams, (202) 927–0229, U.S. Customs Service, Printing and Records Management Branch, Room 6216, 1301 Constitution Avenue NW., Washington, DC 20229