material measured in the IBC is added in its place.

RSPA is aligning the table of IBC tests in § 178.803 with new provisions in the 8th revision of the UN

Recommendations on the Transport of Dangerous Goods for the bottom lift and stacking tests. Therefore, in this final rule, rigid plastic and composite IBCs are required to be bottom lift-tested without qualification. References to Note 2 in the table specifying that test only if IBCs are "designed to be handled" this way are removed from rigid plastic and composite IBC design types. RSPA also is changing Note 2 to require metal IBCs to withstand either the top lift test or the bottom lift test. Note $\hat{7}$ is added to except metal, rigid plastic, composite, fiberboard and wooden IBCs from the stacking test if the IBC is not designed to be stacked.

In this final rule, RSPA also is making an editorial correction to § 173.306(e) by updating a reference to a national consensus standard for refrigerating machines. Section 173.306(e) is amended to replace the reference to ANSI B9.1 with a reference to ANSI/ASHRAE 15–1994, which has superseded ANSI B9.1.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. The rule is not considered significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism"). Federal law expressly preempts State, local, and Indian tribe requirements applicable to the transportation of hazardous materials that cover certain subjects and are not substantively the same as Federal requirements. 49 U.S.C. 5125(b)(1). Covered subjects are:

- (i) The designation, description, and classification of hazardous materials;
- (ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;
- (iii) The preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents;

(iv) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; or

(v) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

This final rule addresses covered subjects, under items (ii) and (v) above and, therefore, preempts State, local, or Indian tribe requirements not meeting the "substantively the same" standard. The Federal hazardous materials transportation law (49 U.S.C. 5125(b)(2)) provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the Federal **Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and no later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption of the July 26, 1994 final rule was January 13, 1995. RSPA has determined that the effective date of Federal preemption for this final rule will be November 1, 1995. Because RSPA lacks discretion in this area, preparation of a federalism assessment is not warranted.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. Although this rule applies to certain shippers and carriers of hazardous materials in intermediate bulk containers, some of whom may be small entities, its economic impacts are minimal.

Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) and assigned control number 2137–0510.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labels, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packagings and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173 and 178 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§171.7 [Amended]

1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

2. In § 171.7, in the table in paragraph (a)(3), under "American National Standards Institute, Inc.", in column 1, the entry "ANSI B9.1–89, Safety Code for Mechanical Refrigeration" is revised to read "ANSI/ASHRAE 15–94, Safety Code for Mechanical Refrigeration".

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

3. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

4. In § 172.101, the following entries in the Hazardous Materials Table are revised to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

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