the requirements in the HMR. For that reason, 49 U.S.C. 5125(b)(1)(B) preempts 6 NYCRR 372.3(a)(7)(1). In addition, NYDEC's prohibition against repackaging containers of hazardous waste appears to be inconsistent with the HMR because it applies solely to waste material "and applies differently from or in addition to" the HMR's requirements concerning the packaging of hazardous materials. 49 CFR 171.3(c)(1).

2. Manifest Entry for Transfer Between Vehicles

Section 372.3(a)(7)(ii) allows a transporter to transfer hazardous wastes incidental to transport provided that

transfer of hazardous waste from one vehicle to another is indicated on the Manifest as Second Transporter.

The HMR require that a hazardous waste manifest be prepared in accordance with EPA's regulations in 40 CFR 262.20 and be "signed, carried, and given" as specified in 49 CFR 172.205. A manifest which contains all the information required by DOT may be used as the DOT shipping paper. 49 CFR 172.205(h). Procedures for use of the manifest when wastes are shipped by railroad, including transfers between rail and non-rail carriers, are specifically set forth in 40 CFR 263.20(f), and allow a shipping paper to accompany the shipment (rather than the manifest).

EPA's Uniform Hazardous Waste Manifest form is shown in the Appendix to 40 CFR Part 262. Among the information required are the company name and EPA identification number for the first and second (if necessary) transporters. (If more than two transporters will be used to transport the waste, a continuation sheet must be used to "list the transporters in the order they will be transporting the waste. * * * Every transporter used between the generator and the [TSD] designated facility must be listed.") In a shaded portion, for information "not required by Federal law," are spaces for the State identification number and telephone number of any transporter. In these spaces, NYDEC requires "State of registration and motor vehicle license plate number of waste carrying portion of vehicle used to transport" plus "[t]elephone number of authorized agent." 6 NYCRR Part 372, Appendix 30. On the lower portion of the form are spaces for the transporter(s) to acknowledge receipt of the hazardous waste, by name, signature, and date.

RSPA has found that any State requirement that "significantly alter[s] the information supplied on the manifest," is preempted. PD–2(R), above, 58 FR at 11183 (preempting Illinois requirement to round quantities of hazardous waste to the nearest whole numbers, while the uniform manifest form specifying entry of the "total quantity" of hazardous waste may require the use of fractions or decimals, depending on the unit of measure).

Neither EPA's regulations nor the HMR contain any requirement for a single transporter to indicate, by license plate number or otherwise, which vehicle is used to carry the hazardous waste, or that waste has been transferred from one vehicle to another.

CWTI argues that NYDEC's requirement to indicate on the manifest when waste is transferred from one vehicle to another is not substantively the same as the HMR's requirements for "the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents." 49 U.S.C. 5125(b)(1)(C). It asserts that a EPA negotiated rulemaking committee "specifically considered and rejected an effort to require notation by license plate number" when vehicles of the same transporter were changed.

AAR states that rail cars are usually transferred between carriers "without face-to-face contact," and "shipping paper information may be exchanged between carriers electronically." According to AAR, railroads are