

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]

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## 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 for-profit

*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

OMB Reviewer: Milo Sunderhauf, (202) 395-7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

Departmental Reports Management Officer.  
[FR Doc. 95-4576 Filed 2-23-95; 8:45 am]  
BILLING CODE 4820-02-P

**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.

**Internal Revenue Service (IRS)**

OMB Number: New

Form Number: IRS Form 8498

Type of Review: New collection

Title: Program Sponsor Agreement for Continuing Education for Enrolled Agents

Description: This information relates to the approval of continuing professional education programs for individuals enrolled to practice before the Internal Revenue Service (enrolled agents).

Respondents: Individuals or households, Business or other for-profit

Estimated Number of Respondents: 500

Estimated Burden Hours Per

Respondent: 36 minutes

Frequency of Response: Other

Estimated Total Reporting Burden: 300 hours

OMB Number: 1545-0735

Regulation ID Number: LR-189-80 (T.D. 7927) Final

Type of Review: Extension

Title: Amortization of Reforestation Expenditures

Description: Section 194 of the Internal Revenue Code allows taxpayers to elect amortize certain reforestation expenditures meet certain requirements. The regulations implement this election provision and allow the Service to determine if the election is proper and allowable.

Respondents: Individuals or households, Business or other for-profit, Farms

Estimated Number of Respondents: 12,002

Estimated Burden Hours Per

Respondent: 30 minutes

Frequency of Response: Annually

Estimated Total Reporting Burden:

6,001 hours

Clearance Officer: Garrick Shear, (202) 622-3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395-7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

Departmental Reports Management Officer.  
[FR Doc. 95-4577 Filed 2-23-95; 8:45 am]  
BILLING CODE 4830-01-P

**TENNESSEE VALLEY AUTHORITY**

**Environmental Impact Statement: Use of Lands Acquired for the Columbia Dam Component of the Duck River Project**

AGENCY: Tennessee Valley Authority.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), the Tennessee Valley Authority (TVA), in cooperation with the Tennessee Duck River Development Agency, will prepare an Environmental Impact Statement (EIS) on alternative uses of lands acquired as part of the Columbia Dam component of the Duck River Project. The project cannot be completed as a dam and reservoir due to the presence of endangered species. The EIS will consider the environmental impacts of a range of alternative uses of TVA-owned project lands, including the protection of resident endangered species and potential development of a recreational waterway between Iron Bridge Road boat ramp to Carpenter's Bridge (River Mile 137 to River Mile 165). With this notice, TVA is inviting comments on the scope of the EIS.

DATES: Comments must be received on or before May 22, 1995.

ADDRESSES: Comments should be sent to Dale V. Wilhelm, NEPA Liaison, Tennessee Valley Authority, WT 8C, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499.

FOR FURTHER INFORMATION CONTACT: Jack L. Davis, Manager, Water Resource Projects, Tennessee Valley Authority, WT 10C, 400 West Summit Hill Drive,

Knoxville, Tennessee 37902-1499, phone 615/632-4678.

SUPPLEMENTARY INFORMATION: TVA and local entities began a cooperative effort in 1964 to advance economic growth and provide an adequate and dependable water supply in the Duck River watershed (in Maury, Marshall, Bedford, and Coffee Counties, middle Tennessee). While the state-chartered Tennessee Duck River Development Agency worked to develop a water supply system to connect the five largest cities in the watershed, TVA was requested to investigate water resource development. In 1965, TVA concluded that multipurpose reservoir development on the Duck River mainstem offered the best potential for meeting the area's needs. The construction of dams on the river would control flooding, create water supply sources, and provide opportunities for water-based recreation. Eventually, two dam sites were identified: a downstream dam proposed to be built at Duck River Mile 136.7, near Columbia, and an upstream dam to be built at River Mile 248.6, near Normandy. After further study, these two dam and reservoir projects were presented in a 1968 planning report as components of a combined Duck River Project.

Following the enactment of NEPA, TVA issued a draft EIS on the project in June 1971. A public hearing on the proposed project was held in August 1971 and a final EIS on the Duck River Project (TVA-OHES-EIS-72-5) was issued in April 1972. This EIS was supplemented in June 1974 to correct identified deficiencies. Construction of the 3,230-acre Normandy Dam and Reservoir component was completed in 1976 and is currently in operation.

Construction of the 12,600-acre Columbia Dam and Reservoir component of the project began in 1973. Completion of this component was slowed and, in 1983, halted because consultation with the U.S. Fish and Wildlife Service indicated that the reservoir could jeopardize the continued existence of two endangered species. These two species, the birdwing pearly mussel and the Cumberland monkeyface pearly mussel, had been listed as endangered in 1975 under provisions of the 1973 Endangered Species Act (ESA). Subsequent fieldwork and ESA listings have indicated that two additional endangered mussel species (tan riffleshell and pale lilliput pearly mussel) and an endangered plant (leafy prairie clover) also occur in the project area. Other species known to occur in the area have been proposed for endangered status or are identified