

§ 40.145(a)(1)), you must do so immediately.

(2) Otherwise (*i.e.*, if the creatinine concentration of the dilute specimen is greater than 5 mg/dL), you may, but are not required to, direct the employee to take another test immediately.

(i) Such recollections must not be collected under direct observation, unless there is another basis for use of direct observation (see § 40.67 (b) and (c)).

(ii) You must treat all employees the same for this purpose. For example, you must not retest some employees and not others. You may, however, establish different policies for different types of tests (*e.g.*, conduct retests in pre-employment situations, but not in random test situations). You must inform your employees in advance of your decisions on these matters.

(c) The following provisions apply to all tests you direct an employee to take under paragraph (b) of this section:

(1) You must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site;

(2) You must treat the result of the test you directed the employee to take under paragraph (b) of this section—and not a prior test—as the test result of record, on which you rely for purposes of this part;

(3) If the result of the test you directed the employee to take under paragraph (b) of this section is also negative and dilute, you are not permitted to make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs you to conduct a recollection under direct observation under paragraph (b)(1) of this section, you must immediately do so.

(4) If the employee declines to take a test you directed him or her to take under paragraph (b) of this section, the employee has refused the test for purposes of this part and DOT agency regulations.

[FR Doc. 03-13242 Filed 5-27-03; 8:45 am]

BILLING CODE 4910-62-U

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Part 171

[Docket No. RSPA-02-12064 (HM-232)]

RIN 2137-AD67

### Hazardous Materials Security Plans; Information Collection Approval

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule announces Office of Management and Budget (OMB) approval of information collection request (ICR) OMB No. 2137-0612, "Hazardous Materials Security Plans". This information collection has been approved by OMB until April 30, 2006. This final rule also makes appropriate revisions to regulations concerning the Paperwork Reduction Act to incorporate this new information collection approval under OMB Control No. 2137-0612.

**DATES:** The effective date of this final rule is June 20, 2003. This ICR expires on April 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, Room 8422, 400 Seventh Street, SW., Washington, DC 20590-0001, Telephone (202) 366-8553.

**ADDRESSES:** Requests for a copy of an information collection should be directed to Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, Room 8422, 400 Seventh Street, SW., Washington, DC 20590-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On March 25, 2003, the Research and Special Programs Administration (RSPA, we) published a final rule to enhance the security of hazardous materials transported in commerce (68 FR 14510). In this final rule, shippers and carriers of certain highly hazardous materials must develop and implement security plans. In addition, all shippers and carriers of hazardous materials must assure that their employee training includes a security component. The effective date of this final rule is March 25, 2003.

On April 30, 2003, OMB approved information collection for the development of and maintenance of security plans, OMB No. 2137-0612, "Hazardous Materials Security Plans", until April 30, 2006. Because OMB approved the information collection after publication of the March 25, 2003 final rule, we are announcing the OMB approval and incorporating this new information collection approval into § 171.6, "Control numbers under the Paperwork Reduction Act.", under OMB Control No 2137-0612.

OMB regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (*see* 5 CFR 1320.8(s)) and specify that no person is required to respond to an information collection unless it displays a valid OMB control number. In accordance with the Paperwork Reduction Act of 1995, RSPA has received OMB approval of the following ICR and § 171.6(b)(2) is revised by incorporating the following information collection:

*OMB Control Number:* 2137-0612.

*Title:* Hazardous Materials Security Plans.

This information collection approval expires on April 30, 2006. This information collection request was approved by OMB on April 30, 2003.

## II. Summary of Regulatory Changes

### Section 171.6

We are revising the table in paragraph (b)(2) to incorporate a new information collection, OMB No. 2137-0612, "Hazardous Materials Security Plans," and the affected sections, which include a new part 172, subpart I—Security Plans and §§ 172.800, 172.802, and 172.804.

## III. Rulemaking Analyses and Notices

### A. 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, therefore, was not reviewed by the Office of Management and Budget. This rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.