

and would preempt State, local, and Indian tribe requirements not meeting the “substantively the same” standard. This final rule is necessary to incorporate changes adopted in international standards, effective January 1, 2003. If the changes in this final rule were not adopted in the HMR, U.S. companies, including numerous small entities competing in foreign markets, would be at an economic disadvantage. These companies would be forced to comply with two systems of regulations. The changes in this rulemaking are intended to avoid this result. Federal hazardous materials transportation law provides at section 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, 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 this final rule and not later than two years after the date of issuance. The effective date of Federal preemption is October 29, 2003.

C. Executive Order 13175

This final rule was analyzed in accordance with the principles and criteria contained in Executive Order 13175 (“Consultation and Coordination with Indian Tribal Governments”). Because this final rule does not have tribal implications, does not impose substantial direct compliance costs, and is required by statute, the funding and consultation requirements of Executive Order 13175 do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities, unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This final rule would serve to facilitate the transportation of hazardous materials in international commerce by providing consistency with international standards. This final rule applies to offerors and carriers of hazardous materials, some of whom are small entities, such as chemical users and suppliers, packaging manufacturers, distributors, and battery manufacturers. As discussed above, under *Executive Order 12866*, the majority of amendments in this final rule should result in cost savings and ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America.

Many companies will realize economic benefits as a result of the amendments. If the changes in this final rule were not adopted, U.S. companies, including small entities competing in foreign markets, will be forced to comply with two systems of regulations to their economic disadvantage. Therefore, I certify that these amendments will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This final rule has been developed in accordance with Executive Order 13272 (“Proper Consideration of Small Entities in Agency Rulemaking”) and DOT’s procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

E. Paperwork Reduction Act

Information collection and recordkeeping requirements contained in this final rule were submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995, Section 1320.8(d). Title 5, Code of Federal Regulations requires us to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. Under the Paperwork Reduction Act, no person is required to an information collection unless it has been approved by OMB and displays a valid OMB control number.

The new information collection requirements in this rule requiring additional shipping paper documentation, was submitted to OMB for review and approval on June 24, 2003. OMB approved this new information collection under OMB No. 2137–0613, “Subsidiary Hazard Class and Number/Type of Packagings” on June 25, 2003 until June 30, 2006. This new information collection, OMB Control Number 2137–0613, requiring the subsidiary hazard class or division number and number and type of packagings to be included on shipping papers increased the information collection burden. RSPA currently has an approved information collection under OMB Control Number 2137–0557, “Approvals for Hazardous Materials” with 18,405 burden hours and \$415,237.40. There were minor editorial revisions for section designations with no change in the burden for OMB Control Number 2137–0557 under this rule. OMB approved this information collection request under OMB No. 2137–0557, “Approvals for Hazardous Materials” as proposed under this rule

on December 20, 2002, until December 31, 2005.

OMB approved this information collection request under OMB No. 2137–0613, “Subsidiary Hazard Class and Number/Type of Packagings” as adopted under this rule on June 25, 2003, until June 30, 2006. We estimated total information collection and recordkeeping burden resulting from additional information required on shipping papers under the following new information collection to be:

“Subsidiary Hazard Class & Number/Type of Packagings”

OMB No. 2137–0613.
Total Annual Number of Respondents: 250,000.
Total Annual Responses: 6,337,500.
Total Annual Burden Hours: 17,604.
Total Annual Burden Cost: \$216,705.
Total First Year Start Up Burden Hours: 45,705.
Total First Year Annual Start Up Cost: \$1,115,992.

OMB approved the editorial changes under this rule with no increase in burden for OMB No. 2137–0557, “Approvals for Hazardous Materials.” The total information collection and recordkeeping burden is estimated as follows:

“Approvals for Hazardous Materials”
OMB Number: 2137–0557.
Total Annual Number of Respondents: 3,523.
Total Annual Responses: 3,874.8.
Total Annual Burden Hours: 18,405.
Total Annual Burden Cost: \$415,237.40.

Requests for a copy of this 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, Telephone (202) 366–8553.

F. 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 contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100