

place on private property. See 49 U.S.C. 5102(12) (defining "transportation").

In this case, the affidavits submitted with IME's application state, without contradiction from NJDL, that New Jersey's prohibitions against carrying blasting caps on the same motor vehicle with more than 5,000 pounds of explosives affect and restrict the transportation of those hazardous materials on the public roadways. Those affidavits and the comments in this proceeding also support a conclusion, without contradiction from NJDL, that greater safety results when blasting caps and explosives are transported on the same vehicle in accordance with the conditions in 49 CFR 177.835(g), than when blasting caps and explosives must be transported on separate vehicles or transferred between vehicles at some point before leaving a public road to enter the delivery location.

To the extent that New Jersey's restrictions are interpreted and applied only to on-site storage, either before transportation begins or after transportation ends, they are not preempted by Federal hazardous materials transportation law. However, these restrictions are preempted when they are interpreted and applied to prohibit the transportation of detonators on the same motor vehicle with more than 5,000 pounds of explosives, while on a public road or during activities on private property that are incidental to the movement of property and involve a safety aspect of transportation on a public road. In the latter situations, New Jersey's restrictions in N.J.S.A. 21:1A-137F and N.J.A.C. 12:190-6.5(d) are preempted by 49 U.S.C. 5125(a)(2) and 5125(b)(1)(B), because these prohibitions are an obstacle to carrying out and accomplishing the safe transportation of hazardous materials as permitted by 49 CFR 177.835(g) and they are not substantively the same as the requirements in 49 CFR 177.835(g) on the handling of hazardous materials.

Because New Jersey's restrictions in N.J.S.A. 21:1A-137F and N.J.A.C. 12:190-6.5(d) are preempted by 49 U.S.C. 5125(a)(2) and 5125(b)(1)(B), it is unnecessary to address the separate issue, raised in RSPA's April 7, 2000 notice, whether these restrictions are preempted by 49 U.S.C. 5125(c)(1) as a highway routing limitation that fails to comply with FMCSA's standards in 49 CFR part 397.

#### IV. Ruling

Federal hazardous material transportation law preempts N.J.S.A. 21:1A-137F and N.J.A.C. 12:190-6.5(d) when those provisions are interpreted and applied to prohibit the

transportation of blasting caps (including electric blasting caps) on the same motor vehicle with more than 5,000 pounds of explosives, while on a public road or during activities on private property that are incidental to the movement of property and involve a safety aspect of transportation on a public road.

#### V. Petition for Reconsideration/Judicial Review

In accordance with 49 CFR 107.211(a), any person aggrieved by this decision may file a petition for reconsideration within 20 days of publication of this decision in the **Federal Register**. Any party to this proceeding may seek review of RSPA's decision "in an appropriate district court of the United States \* \* \* not later than 60 days after the decision becomes final." 49 U.S.C. 5125(f). New Jersey is considered a party to this proceeding concerning a State law and a regulation issued by an agency of the State, despite the fact that NJDL did not submit comments.

This decision will become RSPA's final decision 20 days after publication in the **Federal Register** if no petition for reconsideration is filed within that time. The filing of a petition for reconsideration is not a prerequisite to seeking judicial review of this decision under 49 U.S.C. 5125(f).

If a petition for reconsideration of this decision is filed within 20 days of publication in the **Federal Register**, the action by RSPA's Associate Administrator for Hazardous Materials Safety on the petition for reconsideration will be RSPA's final decision. 49 CFR 107.211(d).

Issued in Washington, DC on June 4, 2001.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

#### Appendix A

49 CFR 177.835 Class I (explosive materials)

\* \* \* \* \*

(g) No detonator assembly or booster with detonator may be transported on the same motor vehicle with any Division 1.1, 1.2 or 1.3 material (except other detonator assemblies, boosters with detonators or detonators), detonating cord Division 1.4 material or Division 1.5 material. No detonator may be transported on the same motor vehicle with any Division 1.1, 1.2 or 1.3 material (except other detonators, detonator assemblies or boosters with detonators), detonating cord Division 1.4 material or Division 1.5 material unless—

(1) It is packed in a specification MC 201 (§ 178.318 of this subchapter) container; or

(2) The package conforms with requirements prescribed in § 173.63 of this

subchapter, and its use is restricted to instances when—

(i) There is no Division 1.1, 1.2, 1.3 or 1.5 material loaded on the same motor vehicle; and

(ii) A separation of 61 cm (24 inches) is maintained between each package of detonators and each package of detonating cord; or

(3) It is packed and loaded in accordance with a method approved by the Department. One method approved by the Department requires that—

(i) The detonators are in packagings as prescribed in § 173.63 of this subchapter which in turn are loaded into suitable containers or separate compartments; and

(ii) That both the detonators and the container or compartment meet the requirements of the Institute of Makers of Explosives' Safety Library Publication No. 22 (incorporated by reference, see § 171.7 of this subchapter).

[FR Doc. 01-14496 Filed 6-7-01; 8:45 am]

BILLING CODE 4910-60-U

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

June 1, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. 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.

**DATES:** Written comments should be received on or before July 9, 2001 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-1374.

*Form Number:* IRS Form 8834.

*Type of Review:* Extension.

*Title:* Qualified Electric Vehicle Credit.

*Description:* Form 8834 is used to compute an allowable credit for qualified electric vehicles placed in service after June 30, 1993. Section 1913(b) under Pub. L. 102-1018 created new section 30.

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

*Estimated Number of Respondents/Recordkeepers:* 500.

*Estimated Burden Hours Per*

*Respondent/Recordkeeper:*

Recordkeeping—7 hrs., 10 min.

Learning about the law or the form—30 min.

Preparing, copying, assembling, and sending the form to the IRS—38 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 4,155 hours.

*Clearance Officer:* Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Mary A. Able,**

*Departmental Reports, Management Officer.*

[FR Doc. 01-14411 Filed 6-7-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

[Docket No. 919; ATF O 1130.17]

#### Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 30, Gauging Manual

To: All Bureau Supervisors

1. *PURPOSE.* This order delegates certain authorities of the Director to subordinate ATF officers.

2. *CANCELLATION.* ATF O 1100.126B, Delegation Order—

Delegation of Authorities of the Director in 27 CFR part 30, Gauging Manual, dated 11/03/87, is hereby canceled.

3. *BACKGROUND.* Under current regulations, the Director has authority to take final action on matters relating to the gauging manual. We have determined that certain of these should, in the interest of efficiency, be delegated to a lower organizational level.

4. *DELEGATIONS.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120-1 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701-9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR part 30 to subordinate officers. The attached table identifies the regulatory sections, documents and authorized ATF officers. The authorities in the table may not be redelegated. An ATF organization chart showing the directorates involved in this delegation order has been attached.

5. *QUESTIONS.* Any questions concerning this order should be directed

to the Regulations Division at 202-927-8210.

**Bradley A. Buckles,**

*Director.*

#### TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS

| Regulatory section       | Officer(s) authorized to act or receive document.  |
|--------------------------|--|
| § 30.11—Bulk conveyance. | Chief, National Revenue Center (NRC), to approve containers for bulk quantities upon recommendation of Area Supervisor or Chief, Puerto Rico Operations. |
| § 30.21(c) .....         | Inspector, Specialist, or Special Agent, to use instruments and to verify accuracy of hydrometers and thermometers used by proprietor.                   |
| § 30.21(c) .....         | Chief, Alcohol and Tobacco Laboratory, to approve other methods for determination of specific gravity and for gauging.                                   |
| § 30.24(a) .....         | Inspector, Specialist or Special Agent   |
| § 30.24(b) .....         | Inspector, Specialist or Special Agent   |
| § 30.31(b) .....         | Chief, Alcohol and Tobacco Laboratory  |
| § 30.36 .....            | Chief, Regulations Division  |
| § 30.43 .....            | Chief, Regulations Division  |
| § 30.51 .....            | Chief, Regulations Division  |

**BILLING CODE 4810-31-P**