

rules because it identified two technical problems that might compromise the privacy of calling parties. Sprint indicated that one of the problems could be corrected by the end of April 1996, while the other could be corrected by the end of July 1996.

This request for additional time to comply with the Commission's caller ID rules presented the Bureau with the undesirable choice between (1) granting the requested waiver and temporarily frustrating the Commission's federal objective of widespread CPN availability, or (2) denying the waivers and temporarily frustrating the Commission's federal privacy objectives. The Bureau determined that compromising the privacy of callers would be unacceptable. Therefore, Sprint was granted a waiver until June 1, 1996 of the Commission's rule that requires carriers to pass CPN. The Bureau did not grant additional time to Sprint beyond this date because (1) It found that Sprint had provided inadequate information to allow a determination whether a waiver of the Commission's CPN rules until July 31, 1996 would be in the public interest, and (2) it believed that Sprint may have adequate time to correct both problems by June 1, 1996. Additionally, the Bureau noted that on June 1, 1996 the Commission's stay applicable to interstate calls made to and from California expires and that the Bureau sought to avoid unnecessary customer confusion associated with interstate calls that do not contain caller ID information beyond this date. The Bureau indicated that by granting this waiver until June 1, 1996 and denying Sprint's request for additional time, the major sources of customer confusion related to interstate caller ID will be eliminated as of June 1, 1996.

The Bureau conditioned the waiver on the requirement that Sprint file two reports with the Bureau indicating the progress of steps being taken to ensure compliance. Finally, the Bureau reiterated that it would not tolerate repeated compliance delays and that, if appropriate, it would take enforcement action.

#### Ordering Clauses

It is ordered, pursuant to Section 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in Section 0.91 of the Commission's rules, 47 CFR 0.91, and Section 0.291 of the Commission's rules, 47 CFR 0.291, that Sprint's request for a waiver of Section 64.1601(a) and Section 64.1603 of the Commission's rules is granted in part and denied in part. This waiver is effective until June 1, 1996, and is

subject to the conditions specified herein.

It is further ordered that this order is effective upon release.

#### List of Subjects in 47 CFR Part 64

Calling party number identification (caller ID), Communications common carriers, Privacy, Telephone.

Federal Communications Commission.

Geraldine Matise,

*Chief, Network Services Division, Common Carrier Bureau.*

[FR Doc. 96-11383 Filed 5-7-96; 8:45 am]

BILLING CODE 6712-01-P

#### 47 CFR Part 73

[MM Docket No. 90-45; RM-7121]

#### Radio Broadcasting Services; Madera and Clovis, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document reallots Channel 221B1 from Madera to Clovis, California, and modifies the license of KZFO Broadcasting, Inc. for Station KZFO(FM), as requested, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. See 55 FR 7509, published March 2, 1990; see also 56 FR 42966, published August 30, 1991. The allotment of Channel 221B1 to Clovis will provide a first local FM service to the community without depriving Madera of local aural transmission service. Coordinates used for Channel 221B1 at Clovis are 36-55-50 and 119-38-38. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** May 8, 1996.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 90-45, adopted April 11, 1996, and released April 29, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 221B1 at Madera, and adding Clovis, Channel 221B1.

Federal Communications Commission.

Andrew J. Rhodes,

*Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-11381 Filed 5-7-96; 8:45 am]

BILLING CODE 6712-01-F

#### DEPARTMENT OF TRANSPORTATION

#### Research and Special Programs Administration

#### 49 CFR Parts 172, 173, 174, and 176

[Docket No. HM-169A; Amdt. Nos. 172-143, 173-244, 174-80, 176-37]

RIN 2137-AB60

#### Hazardous Materials Transportation Regulations; Compatibility with Regulations of the International Atomic Energy Agency

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

**ACTION:** Final rule; editorial revisions and response to a petition for reconsideration.

**SUMMARY:** On September 28, 1995, RSPA published a final rule which amended the Hazardous Materials Regulations pertaining to the transportation of radioactive materials to harmonize them with those of the International Atomic Energy Agency (IAEA) and, thus, most major nuclear nations of the world. Several substantive changes were made to provide a more uniform degree of safety for various types of shipments. These changes included requiring offerors and carriers to maintain written radiation protection programs, revising the definition of and packaging for low specific activity radioactive materials, and requiring use of the International System of Units for the measurement of activity in a package of radioactive material. This final rule makes editorial and technical corrections to that final rule and responds to a petition for reconsideration.

**DATES:** The effective date of these amendments is June 3, 1996. Immediate compliance with the amendments is authorized.

The effective date for the final rule published under Docket HM-169A on September 28, 1995 (60 FR 50292) remains April 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** A. Wendell Carriker, Office of Hazardous Materials Technology, (202) 366-4545, or John A. Gale, Office of Hazardous Materials Standards, (202) 366-8553, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 28, 1995, RSPA published a final rule under Docket HM-169A (60 FR 50292) which amended the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) pertaining to the transportation of radioactive materials to harmonize them with those of the International Atomic Energy Agency's (IAEA's) Safety Series No. 6, "Regulations for the Safe Transport of Radioactive Material Revised 1985 and Supplemented 1988 and 1990" (IAEA SS6-85) and, thus, most major nuclear nations of the world. RSPA has received correspondence identifying errors and a petition for reconsideration in response to the final rule. This document incorporates editorial and technical revisions to the final rule based on the merits of the correspondence and other revisions that RSPA has determined are necessary to correct or clarify the final rule.

**II. Section-by-Section Review**

**Section 172.101.** In the Hazardous Materials Table, RSPA is correcting the shipping name for low specific activity material by adding the suffix "n.o.s.". For the shipping name for surface contaminated objects, RSPA is correcting the packaging references.

**Section 172.203.** In the final rule, RSPA inadvertently removed the provision of § 172.203(d)(1) which requires the addition of the words "radioactive material" to a shipping description that does not contain those words. By revising paragraph (d)(1) RSPA is reinstating that requirement.

**Section 172.310.** Section 172.310 is revised by adding the word "Each" to the beginning of paragraph (b).

**Section 172.403.** Section 172.403 is revised to correct typographical errors in the label table and to clarify that the allowance to identify radionuclides in terms of curies only applies in domestic transportation.

**Section 172.803.** In § 172.803, RSPA is clarifying that a person, determining if he or she is subject to the radiation protection program based on the total transport index (TI) handled, can exclude the TI from fissile packages that is calculated for criticality control purposes. RSPA received a petition for reconsideration on § 172.803, which stated that RSPA should not limit the category of people who are permitted to make the evaluation described in § 172.803(d)(1)(ii) to only certified health physicists or persons who are recommended by the appropriate Nuclear Regulatory Commission (NRC) or state official. RSPA requires that the evaluator be "a person experienced with radiation protection programs and transportation regulations and programs." Under § 172.803(d)(1)(ii), a person's competency to make the determination described in § 172.803(d)(1)(i) may be evidenced by his or her status as a certified health physicist or by a letter of recommendation from a State Radiation Official. There is no requirement for evidence of the evaluator's competency. Therefore, the petition for reconsideration is denied. In addition, in § 172.803(d)(1)(ii), RSPA is removing the reference to the NRC because the NRC recently advised RSPA that it will not provide letters of recommendation.

**Appendix B to Part 172.** Appendix B to Part 172 was added in the final rule to specify the size of the trefoil symbol for package markings, labels and placards. However, several persons advised RSPA that the new trefoil size makes it very difficult to produce the RADIOACTIVE placard and label in the design specified in the HMR. These persons requested that labels and placards that were printed to the old trefoil specifications continue to be allowed for an unlimited amount of time. Upon further review of the amendment that adopted the new trefoil size for placards and labels, RSPA believes that the new size requirements impose unnecessary costs. Therefore, RSPA is revising Appendix B to Part 172 to require that the inner circle of the trefoil symbol on a radioactive label have a radius of at least 4 millimeters and that the outer circle of the trefoil symbol on a radioactive placard have a radius of at least 56.25 millimeters. In addition, RSPA is allowing the continued use of those labels and placards that were printed prior to April 1, 1996, in accordance with the regulations in effect on March 30, 1996.

**Section 173.411.** For consistency with other sections of the HMR, RSPA is removing the phrase "greater than 20% increase" from § 173.411(b)(2)(ii) and

replacing it with the phrase "significant increase". This change will make the requirements for Type 2 and 3 Industrial Packages consistent with the requirements for a Type A package.

**Section 173.417.** In § 173.417, Table 3 is reprinted in the correct format, and paragraph (b)(2) is revised to reflect the appropriate restrictions for the Specification 6M packaging, based upon assigned criticality transport indices (TI). Clarifications are being made to show that paragraph (b)(2)(i) applies to materials with criticality TI's equal to zero and that paragraph (b)(2)(ii) and footnote 7 apply to materials with criticality TI's greater than zero.

**Section 173.422.** Section 173.422 is revised to correctly note that persons who ship limited quantities of Class 7 materials must comply with the training requirements of Part 172, and that limited quantities of a Class 7 material that is a hazardous substance or a hazardous waste must comply with the shipping paper requirements of the HMR. In addition, RSPA is providing an exception from the certification requirements of § 173.422(a) for limited quantities of Class 7 materials that are subject to the shipping paper requirements of the HMR.

**Section 173.425.** Editorial errors in the table of activity limits for limited quantities in Table 7 are corrected and footnote 2, regarding luminous paint, is added back to the table.

**Section 172.426.** Section 172.426 is revised to correct section references.

**Section 173.427.** In § 173.427, paragraph (a)(3) is revised by adding a reference to "§ 173.467" to make it clear that fissile packages must comply with the provisions of § 173.467. In addition, in paragraph (c)(1), RSPA is removing the phrase "in a closed transport vehicle" from the requirements for shipping bulk packages of low specific activity material and surface contaminated objects. In addition, RSPA is adding references to the NRC-approved packagings to make it clear that these are authorized packagings for the shipment of low specific activity material and surface contaminated objects.

**Section 173.428.** Section 173.428 is revised to correct section references and a misspelled word.

**Section 173.435.** Several editorial corrections are made to the Table of A<sub>1</sub> and A<sub>2</sub> values in § 173.435. In addition, the entry "MFP", which stands for mixed fission products, is added back to the table.

**Section 173.443.** Section 173.443 is revised by correcting editorial errors in Table 11.

*Section 173.465.* Section 173.465 is revised to correct a misspelled word and to correct unit conversions.

*Section 174.700.* Section 174.700 is revised to correct a section reference and by correcting the limit in paragraph (b) so that it applies to each rail car and not to the entire train.

*Section 176.700.* Section 176.700 is revised to correct the reference to the required marking requirements for low specific activity radioactive material.

III. Regulatory 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 was not reviewed by the Office of Management and Budget. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034). The original regulatory evaluation was reexamined but was not modified because changes made under this rule do not change the analysis in that evaluation.

B. Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism"). The Federal hazardous materials transportation law (49 U.S.C. 5101-5127) contains an express preemption provision that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

- (i) the designation, description, and classification of hazardous materials;
- (ii) the packing, repacking, handling, labeling, marking, and placarding of hazardous materials;
- (iii) the preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents;
- (iv) the written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; or
- (v) the design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

This final rule concerns the packaging and classification of radioactive materials. This final rule preempts State, local, or Indian tribe requirements in accordance with the standards set forth above. The Federal statute

provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the Federal Register the effective date of Federal preemption (49 USC 5125(b)(2)). That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption for these requirements is August 2, 1996. Thus RSPA lacks discretion in this area, and preparation of a federalism assessment is not warranted.

C. Executive Order 12778

Any interested person may petition RSPA's Administrator for reconsideration of this final rule within 30 days of publication of this rule in the Federal Register, in accordance with the procedures set forth at 49 CFR 106.35. Neither the filing of a petition for reconsideration nor any other administrative proceeding is required before the filing of a suit in court for review of this rule.

D. Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule applies to shippers and carriers of radioactive materials, some of whom are small entities.

E. Paperwork Reduction Act

There are no new information collection requirements in this final rule.

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

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR Parts 172, 173, 174 and 176 are amended as follows:

**PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS**

1. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

**§ 172.101 [Amended]**

2. In § 172.101, in the Hazardous Materials Table, the following amendments are made:

a. For the entry "Radioactive material, low specific activity or Radioactive material, LSA, n.o.s.", in column (2), the words ", n.o.s." are added after "activity".

b. For the entry "Radioactive material, surface contaminated object or Radioactive material, SCO", in column (7), the references "421, 424, 426" are removed, in Column (8A), the reference "427" is revised to read "421, 424, 426", in Column (8C), the reference "427" is added.

3. In § 172.203, paragraphs (d)(1) and (d)(2) are revised to read as follows:

**§ 172.203 Additional description requirements.**

\* \* \* \* \*

(d) \* \* \*

(1) The words "RADIOACTIVE MATERIAL" unless these words are contained in the proper shipping name.

(2) The name of each radionuclide in the Class 7 (radioactive) material that is listed in § 173.435 of this subchapter. For mixtures of radionuclides, the radionuclides that must be shown must be determined in accordance with § 173.433(f) of this subchapter. Abbreviations, e.g., "99Mo", are authorized.

\* \* \* \* \*

**§ 172.310 [Amended]**

3a. In § 172.310, in paragraph (b), the wording "Packaging must" is removed and "Each packaging must" is added in its place.

**§ 172.403 [Amended]**

4. In § 172.403, the following amendments are made:  
 a. In paragraph (a), the reference “§§ 173.421 through 173.425” is revised to read “§§ 173.421 through 173.428”.  
 b. In the table in paragraph (c), under the column heading “Maximum radiation level at any point on the external surface”, for the second entry the wording “0.5 mSv/h (50 mrem)” is revised to read “0.5 mSv/h (50 mrem/h)” and, for the third entry the wording “0.05 mSv/h (50 mrem)” is revised to read “0.5 mSv/h (50 mrem/h)”.  
 c. In paragraph (g)(2), in the second sentence, the word “Alternatively,” is removed and “Alternatively, for domestic transport,” is added in its place.

**§ 172.803 [Amended]**

5. In § 172.803, the following amendments are made:  
 a. In the introductory text of paragraph (b) the word “control” is removed and “controlled” is added in its place.  
 b. In paragraph (d)(1)(i), the words “200 TI” are removed and “200 TI, not including TI calculated for criticality control purposes,” is added in its place.  
 c. In paragraph (d)(1)(ii), in the last sentence, the words “any Regional Administrator of the Nuclear Regulatory Commission or from” are removed.

d. In paragraph (e), the paragraph designation (1) is added following the paragraph heading.

6. In Appendix B to Part 172, the introductory text preceding the symbol and the text following the symbol are revised to read as follows:

**Appendix B to Part 172—Trefoil Symbol**

1. Except as provided in paragraph 2 of this appendix, the trefoil symbol required for RADIOACTIVE labels and placards and required to be marked on certain packages of Class 7 materials must conform to the design and size requirements of this appendix.

2. RADIOACTIVE labels and placards that were printed prior to April 1, 1996, in conformance with the requirements of this subchapter in effect on March 30, 1996, may continue to be used.

\* \* \* \* \*

- 1=Radius of Circle—  
 Minimum dimensions  
 4 mm (0.16 inch) for markings and labels  
 12.5 mm (0.5 inch) for placards
- 2=1 1/2 Radii
- 3=5 radii for markings and labels  
 4 1/2 radii for placards.

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS**

7. The authority citation for Part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

**§ 173.403 [Amended]**

8. In § 173.403, under the definition *Low Specific Activity (LSA) material*, in paragraph (2)(ii) the words “essentially uniformly distributed” are revised to read “distributed throughout”, and, in paragraph (3)(i) the words “essentially uniformly distributed throughout” are revised to read “distributed throughout”.

**§ 173.410 [Amended]**

9. In § 173.410, paragraph (f) is amended by removing the phrase “(see § 178.608 of this subchapter)” and by revising the phrase “(see §§ 173.24 and 173.24a)” to read “(see §§ 173.24, 173.24a, and 173.24b)”.

**§ 173.411 [Amended]**

10. In § 173.411, in paragraph (b)(2)(ii), the words “greater than 20% increase” are revised to read “significant increase”.

11. In § 173.417, in paragraph (a)(7), Table 3 is revised, and paragraph (b)(2) is revised to read as follows:

**§ 173.417 Authorized fissile materials packages.**

- (a) \* \* \*
- (7) \* \* \*

TABLE 3.—ALLOWABLE CONTENT OF URANIUM HEXAFLUORIDE (UF<sub>6</sub>) “HEELS” IN A SPECIFICATION 7A CYLINDER

Maximum cylinder diameter		Cylinder volume		Maximum uranium-235 enrichment (weight percent)	Maximum “Heel” weight per cylinder			
Centimeters	Inches	Liters	Cubic feet		UF6		Uranium-235	
					kg	lb	kg	lb
12.7	5	8.8	0.311	100.0	0.045	0.1	0.031	0.07
20.3	8	39.0	1.359	12.5	0.227	0.5	0.019	0.04
30.5	12	68.0	2.410	5.0	0.454	1.0	0.015	0.03
76.0	30	725.0	25.64	5.0	11.3	25.0	0.383	0.84
122.0	48	3,084.0	108.9	4.5	22.7	50.0	0.690	1.52
122.0	48	4,041.0	142.7	4.5	22.7	50.0	0.690	1.52

<sup>1</sup> 10 ton.  
<sup>2</sup> 14 ton.

\* \* \* \* \*  
 (b) \* \* \*  
 (2) DOT Specification 6M (§ 178.354 of this subchapter), metal packaging. These packages must contain only solid Class 7 (radioactive) materials that will not decompose at temperatures up to 121 °C (250 °F). Radioactive decay heat output may not exceed 10 watts. Class 7 (radioactive) materials in other than special form must be packaged in one or more tightly sealed metal cans or polyethylene bottles within a DOT Specification 2R (§ 178.360 of this subchapter) containment vessel.  
 (i) For fissile material with a criticality TI equal to 0.0, packages are

limited to the following amounts of fissile Class 7 (radioactive) materials: 1.6 kilograms of uranium-235; 0.9 kilograms of plutonium (except that due to the 10-watt thermal decay heat limitation, the limit for plutonium-238 is 0.02 kilograms); and 0.5 kilograms of uranium-233. The maximum ratio of hydrogen to fissile material may not exceed three, including all of the sources of hydrogen within the DOT Specification 2R containment vessel.  
 (ii) Maximum quantities of fissile material and other restrictions for materials with a criticality TI of greater than 0.0 are given in Table 5. The

minimum transport index to be assigned per package and, for fissile material, controlled shipments, the allowable number of similar packages per conveyance and per transport vehicle are shown in Table 5. Where a maximum ratio of hydrogen to fissile material is specified in Table 5, only the hydrogen interspersed with the fissile material must be considered. For a uranium-233 shipment, the maximum inside diameter of the inner containment vessel may not exceed 12.1 centimeters (4.75 inches). Where necessary, a tight-fitting steel insert must be used to reduce a larger diameter

inner containment vessel specified in § 178.354 of this subchapter to the 12.1 centimeter (4.75 inch) limit. Table 5 is as follows:

TABLE 5.—AUTHORIZED CONTENTS FOR SPECIFICATION 6M PACKAGES<sup>1</sup>

Uranium-233 <sup>5</sup>			Uranium-235 <sup>4,7</sup>			Plutonium <sup>2,3,4</sup>			Minimum transport index	Maximum no. pkgs. transported as a fissile material control shipment
Metal or alloy	Compounds		Metal or alloy	Compounds		Metal or alloy	Compounds			
H/X=0 <sup>8</sup>	H/X=0	H/X<=3	H/X=0	H/X=0	H/X<=3	H/X=0	H/X=0	H/X<=3		
0.5	0.5	0.5	1.6	1.6	1.6	90.9	90.9	90.9	0	N/A
3.6	4.4	2.9	7.2	7.6	5.3	3.1	4.1	3.4	0.1	1,250
<sup>6</sup> 4.2	5.2	3.5	8.7	9.6	6.4	3.4	4.5	4.1	0.2	625
<sup>6</sup> 5.2	6.8	4.5	11.2	13.9	8.3	4.2		4.5	0.5	250
			13.5	16.0	10.1	4.5			1.0	125
				26.0	16.1				5.0	25
				32.0	19.5				10.0	12

<sup>1</sup> Quantity in kilograms.

<sup>2</sup> Minimum percentage of plutonium-240 is 5 weight percent.

<sup>3</sup> 4.5 kilogram limitation of plutonium due to watt decay heat limitation.

<sup>4</sup> For a mixture of uranium-235 and plutonium an equal amount of uranium-235 may be substituted for any portion of the plutonium authorized.

<sup>5</sup> Maximum inside diameter of specification 2R containment vessel not to exceed 12.1 centimeters (4.75 inches) (see paragraph (b)(2)(ii) of this section).

<sup>6</sup> Granulated or powdered metal with any particle less than 6.4 millimeters (0.25 inch) in the smallest dimension is not authorized.

<sup>7</sup> Except for material with a criticality TI of 0.0, the maximum permitted uranium-235 enrichment is 93.5 percent.

<sup>8</sup> H/X is the ratio of hydrogen to fissile atoms in the inner containment.

<sup>9</sup> For Pu-238, the limit is 0.02 kg because of the 10 watt thermal decay heat limitation.

\* \* \* \* \*  
 12. In § 173.422, paragraph (b)(3) is added to read as follows:

**§ 173.422 Additional requirements for excepted packages containing Class 7 (radioactive) materials.**

\* \* \* \* \*

(b) \* \* \*

(3) The training requirements of subpart H of part 172 of this subchapter and, for materials that meet the definition of a hazardous substance or a hazardous waste, the shipping paper

requirements of subpart C of Part 172 of this subchapter.

**§ 173.422 [Amended]**

13. In addition, in § 173.422, the following amendments are made:

a. In paragraph (a), in the first sentence, the words "Excepted packages" are revised to read "Except for materials subject to the shipping paper requirements of subpart C of Part 172 of this subchapter, excepted packages".

b. In paragraph (a)(4), the words "empty packaging" are revised to read "empty package".

c. In paragraph (b)(1), the word "and" following the semicolon is removed, and in paragraph (b)(2) the period is removed and " ; and" is added in its place.

14. In § 173.425, Table 7 is revised to read as follows:

**§ 173.425 Table of activity limits—excepted quantities and articles.**

\* \* \* \* \*

TABLE 7.—ACTIVITY LIMITS FOR LIMITED QUANTITIES, INSTRUMENTS, AND ARTICLES

Nature of contents	Instruments and articles		Materials package limits <sup>1</sup>
	Limits for each instrument or article <sup>1</sup>	Package limits <sup>1</sup>	
Solids:			
Special form .....	10 <sup>-2</sup> A <sub>1</sub>	A <sub>1</sub>	10 <sup>-3</sup> A <sub>1</sub>
Normal form .....	10 <sup>-2</sup> A <sub>2</sub>	A <sub>2</sub>	10 <sup>-3</sup> A <sub>2</sub>
Liquids:			
Tritiated water:			
<0.0037 TBq/liter (0.1 Ci/L) .....			37 TBq (1,000 Ci)
0.0037 TBq to 0.037 TBq/L (0.1 Ci to 1.0 Ci/L) .....			3.7 TBq (100 Ci)
>0.037 TBq/L (1.0 Ci/L) .....			0.037 TBq (1.0 Ci)
Other Liquids .....	10 <sup>-3</sup> A <sub>2</sub>	10 <sup>-1</sup> A <sub>2</sub>	10 <sup>-4</sup> A <sub>2</sub>
Gases:			
Tritium <sup>2</sup> .....	2 x 10 <sup>-2</sup> A <sub>2</sub>	2 x 10 <sup>-1</sup> A <sub>2</sub>	2 x 10 <sup>-2</sup> A <sub>2</sub>
Special form .....	10 <sup>-3</sup> A <sub>1</sub>	10 <sup>-2</sup> A <sub>1</sub>	10 <sup>-3</sup> A <sub>1</sub>
Other form .....	10 <sup>-3</sup> A <sub>2</sub>	10 <sup>-2</sup> A <sub>2</sub>	10 <sup>-3</sup> A <sub>2</sub>

<sup>1</sup> For mixtures of radionuclides see § 173.433(d).

<sup>2</sup> These values also apply to tritium in activated luminous paint and tritium adsorbed on solid carriers.

**§ 173.426 [Amended]**

15. In § 173.426, paragraph (c), the reference “§ 173.421 (b), (c), and (d)” is revised to read “§ 173.421(a) (2), (3) and (4)”.

16. In § 173.427, paragraphs (b)(4) and (b)(5) are added to read as follows:

**§ 173.427 Transport requirements for low specific activity (LSA) Class 7 (radioactive) materials and surface contaminated objects (SCO).**

\* \* \* \* \*

(b) \* \* \*

(4) For domestic transportation only, in a packaging that complies with the provisions of 10 CFR 71.52, and is transported in exclusive use; or

(5) Any Type B, B(U) or B(M) packaging authorized pursuant to § 173.416.

\* \* \* \* \*

**§ 173.427 [Amended]**

17. In addition, in § 173.427, the following amendments are made:

a. In paragraph (a)(3), the reference “§ 173.451” is revised to read “§§ 173.451 and 173.467”.

b. In paragraph (b)(2) the word “or” at the end of the paragraph is removed and in paragraph (b)(3)(ii) the period at the end of the paragraph is removed and a semicolon is added in its place.

c. In paragraph (c)(1), the phrase “, transported in a closed transport vehicle” is removed.

d. In paragraph (f), in Table 8, for the third entry, in column 1, the words “LSA-III” is revised to read “LSA-III”.

**§ 173.428 [Amended]**

18. In § 173.428, in the introductory text, the word “expected” is revised to read “excepted” and, in paragraph (a), the reference “§ 173.421 (b), (c), and (e)” is revised to read “§ 173.421(a) (2), (3), and (5)”.

19. In § 173.435, in the Table of A<sup>1</sup> and A<sup>2</sup> values for radionuclides, the following entries are revised to read as follows:

**§ 173.435 Table of A<sup>1</sup> and A<sup>2</sup> values for radionuclides.**

\* \* \* \* \*

Symbol of radionuclide	Element and atomic number	A <sub>1</sub> (TBq)	A <sub>1</sub> (Ci)	A <sub>2</sub> (TBq)	A <sub>2</sub> (Ci)	Specific activity	
						(TBq/g)	(Ci/g)
Ag-110m	*	0.4	10.8	0.4	10.8	1.8×10 <sup>2</sup>	4.7×10 <sup>3</sup>
Am-242m	*	2	54.1	2×10 <sup>-4</sup>	5.41×10 <sup>-3</sup>	3.6×10 <sup>-1</sup>	1.0×10 <sup>1</sup>
Ar-39	*	20	541	20	541	1.3	3.4×10 <sup>1</sup>
Br-82	*	0.4	10.8	0.4	10.8	4.0×10 <sup>4</sup>	1.1×10 <sup>6</sup>
C-11	Carbon(6)	1	27	0.5	13.5	3.1×10 <sup>7</sup>	8.4×10 <sup>8</sup>
Cm-244	*	4	108	4×10 <sup>-4</sup>	1.08×10 <sup>-2</sup>	3.0	8.1×10 <sup>5</sup>
Es-253	Einsteinium(99) <sup>a</sup>	200	5400	2.1×10 <sup>-2</sup>	5.4×100 <sup>-1</sup>		
Eu-150	*	0.7	18.9	0.7	18.9	6.1×10 <sup>4</sup>	1.6×10 <sup>6</sup>
Eu-155	*	20	541	2	54.1	1.8×10 <sup>1</sup>	4.9×10 <sup>2</sup>
F-18	Fluorine(9)	1	27.0	0.5	13.5	3.5×10 <sup>6</sup>	9.5×10 <sup>7</sup>
Fe-59	*	0.8	21.6	0.8	21.6	1.8×10 <sup>3</sup>	5.0×10 <sup>4</sup>
Fm-257	*	10	270	8×10 <sup>-3</sup>	21.6×10 <sup>-1</sup>		
Gd-148	*	3	81.1	3×10 <sup>-4</sup>	8.11×10 <sup>-3</sup>	1.2	3.2×10 <sup>1</sup>
Pd-107	*	Unlimited	Unlimited	Unlimited	Unlimited	1.9×10 <sup>-5</sup>	5.1×10 <sup>-4</sup>
Pt-197m	*	10	270	0.9	24.3	3.7×10 <sup>5</sup>	1.0×10 <sup>7</sup>
Rn-222	Radon(86)	0.2	5.41	4×10 <sup>-3</sup>	0.108	5.7×10 <sup>3</sup>	1.5×10 <sup>5</sup>
	*						

**§ 173.443 [Amended]**

20. In § 173.443, in paragraph (a)(2), Table 11 is amended for the first entry, in column 2 by removing "0.41" and adding "0.4" and, in column 3 by removing the number "0<sup>-5</sup>" and adding "10<sup>-5</sup>".

**§ 173.465 [Amended]**

21. In § 173.465, paragraph (a), the word "compression" is removed and "stacking" is added in its place and, in paragraph (e)(1), the wording "(1.3 inches)" is removed and "(1.25 inches)" is added in its place.

**PART 174—CARRIAGE BY RAIL**

22. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

**§ 174.700 [Amended]**

23. In § 174.700, in paragraph (b), the word "rail" is removed and "rail car" is added in its place.

**PART 176—CARRIAGE BY VESSEL**

24. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

**§ 176.704 [Amended]**

25. In § 176.704, in paragraph (c), the wording "LSA-I" is removed and "LSA" is added in its place.

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Rose A. McMurray,

*Acting Deputy Administrator.*

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