

FOR FURTHER INFORMATION CONTACT: Michael E. Wangler, Chief, Radioactive Materials Branch, Technical Division, Office of Hazardous Materials Transportation, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-4545.

SUPPLEMENTARY INFORMATION:

Background

On July 6, 1987, RSPA published a notice of proposed rulemaking (Docket HM-166V, Notice No. 87-7) in the *Federal Register* (52 FR 25342) which proposed to amend the HMR to permit the transport of UF_6 in certain packagings. These packagings do not meet the requirements of either the American National Standard N14.1-1982 (ANSI N14.1-1982) or the specification for Class DOT-106A multi-unit tank car tanks, as required by § 173.420.

On April 6, 1988, RSPA published a notice (Notice 88-2; 53 FR 11320) containing supplemental proposals to update the regulatory reference of ANSI N14.1 to the 1987 edition and to revise § 173.420(a)(4) to permit the transport of depleted UF_6 in packagings filled to a capacity of 62% by volume. The supplemental proposal to reference the revised ANSI Standard N14.1-1987 rather than ANSI N14.1-1982 was based on the merits of comments received in response to Notice 87-7. Commenters to Notice 87-7 stated that unlike previous ANSI N14.1 standards, N14.1-1987 recognizes certain packagings currently in service, but not specifically covered by an ANSI N14 standard, as acceptable if the packagings are used within their original design limitations and are inspected, tested, and maintained to conform with ANSI N14.1-1987. Additionally, ANSI N14.1-1987 establishes several new packagings and the standards for those packagings.

The supplemental proposal to amend § 173.420(a)(4) to permit the transport of depleted UF_6 in packagings filled to a capacity not exceeding 62% by volume at 20 °C (68 °F) was based on a petition received from the Department of Energy (DOE). A filling limit of 62% of the volumetric capacity is allowed by ANSI N14.1-1987. The current filling limit of 61% of the volumetric capacity was derived from Table 1 of ANSI N14.1-1982.

Prior to issuing a final rule on Notice 86-7, RSPA published a related final rule on September 20, 1988 in the *Federal Register* under Docket HM-190 (52 FR 26548), which amended the requirements for the fabrication, modification and maintenance of the DOT 21PF-1 overpack used in the transport of UF_6 cylinders. In order to provide regulatory consistency between §§ 173.417 and

173.420 in HM-190, RSPA incorporated ANSI N14.1-1987 by reference in § 171.7(d)(4)(iii) and amended §§ 173.417 and 173.420 to remove references to the 1982 edition of ANSI N14.1. That final rule eliminated the need to address that particular issue in this document.

RSPA received three comments in response to Notice 87-7 and three comments to the supplemental proposals which are discussed in this document. Two commenters questioned the acceptability of continuing to authorize the use of Class DOT-106A multi-unit tank car tanks. Section 173.420(a)(2)(ii) authorizes UF_6 to be transported in Class DOT-106A multi-unit tank car tanks conforming to §§ 179.300, 179.301 and 179.302. The Model 30A is the industry designation for the Class DOT-106A packaging used for the transport of UF_6 . The commenters stated that no ANSI standard has established criteria for the design, fabrication, use, or cleaning of Model 30A packagings. The commenters further noted that the ANSI standards prescribe a Model 30B as a replacement packaging for the Model 30A. One commenter implied that RSPA apparently does not consider the Model 30A to be an acceptable packaging since it does not appear in the table specifying minimum wall thicknesses found in proposed § 173.420(a)(2)(iv)(D). The minimum wall thickness for the Class DOT-106A packagings is found in existing § 179.301 for an existing DOT specification packaging. Therefore, it is unnecessary to respecify its minimum wall thickness in the table.

Another commenter requested that, for purely informational purposes, RSPA include the following statement in § 173.420(a)(2)(iii): "The 30A cylinder is obsolete having been replaced by 30B. After December 31, 1992, the Department of Energy will no longer accept 30A cylinders for filling at their facilities." Through this comment, users of the Model 30A cylinder would be informed that the DOE will not be accepting the Model 30A at its facilities after the specified date.

The focus of this and the other comments on the suitability of the 30A cylinder relates to operational factors, particularly cleaning, rather than transportation safety concerns. RSPA knows of no significant safety problems resulting from use of Class DOT-106A packagings for transporting a number of different materials, including UF_6 . Accordingly, RSPA finds no basis to restrict or discontinue the use of this packaging at this time for UF_6 transport. If additional information develops that supports its discontinuance, RSPA will consider further rulemaking in this area.

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 173

[Docket No. HM-166V; Amendment Nos. 171-103; 173-214]

RIN No. 2137-AB10

Hazardous Materials; Uranium Hexafluoride

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule amends the Hazardous Materials Regulations (HMR) to permit the transport of uranium hexafluoride (UF_6) in certain packagings that do not meet the requirements of either the American National Standard N14.1-1987 (ANSI N14.1-1987) or the specification for Class DOT-106A multi-unit tank car tanks as required by 49 CFR 173.420, and to permit the transport of depleted UF_6 in packagings filled to a capacity not exceeding 62% by volume at 20 °C (68 °F). This action is necessary to permit the continued use of UF_6 packagings that have been demonstrated to be safe based on exemption experience data.

DATES: Effective date: September 28, 1989. However, compliance with the regulations as amended herein is authorized as of August 29, 1989.

RSPA is also denying the request that a statement be placed in § 173.420 concerning the acceptance of the Model 30A at DOE facilities because the statement is informational and not regulatory.

A commenter questioned the requirement found in existing § 173.420(a)(2)(ii) that Class DOT-106A packagings must meet the additional special commodity requirements in § 179.302. The commenter pointed out that there are no special commodity requirements in § 179.302 for UF₆ packagings. RSPA agrees with the commenter and the reference to § 179.302 is removed from § 173.420(a)(2)(ii) in this final rule.

Section 173.420(a)(2) contains the requirements on the design, fabrication and marking of cylinders. Section 173.420(b) provides that UF₆ packagings must be inspected, tested and marked in accordance with ANSI N14.1-1987. One commenter stated that the minimum wall thicknesses found in proposed subparagraph (a)(2)(iv)(D) should be placed in paragraph (b). RSPA disagrees with the commenter. The minimum wall thicknesses in proposed subparagraph (a)(2)(iv)(D) are for use as a design criteria for certain cylinders. The minimum wall thicknesses that must be met for continued use of a cylinder are found in ANSI N14.1-1987.

Paragraph 6.3.2 of ANSI N14.1-1987 provides that a cylinder whose wall thicknesses fall below the levels specified in that standard (which are actually the same as those contained in the § 173.420(a)(2)(ii)(D) table) is no longer authorized for use. These requirements for continued use of a cylinder are made applicable by § 173.420(b), which incorporates ANSI N14.1.

RSPA received two comments which were editorial in nature in response to the supplemental proposals. The commenters suggested that the word "may" be changed to "must" in § 173.420(a)(4) and that the word "certified" be added before the words "volumetric capacity" to be consistent with the ANSI N14.1 requirement that the manufacturer certify, in writing, the volumetric capacity of the cylinder. RSPA agrees with these commenters and their suggestions are adopted in this final rule.

Administrative Notices

RSPA has determined that this final rule (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) does

not require an environmental impact statement under the National Environmental Policy Act (40 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket. I certify that this regulation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

I have reviewed this regulation in accordance with Executive Order 12612 ("Federalism"). It has no substantial direct effects on the States, on the Federal-State relationship or on the distribution of power and responsibilities among levels of government. Thus, this regulation contains no policies that have Federalism implications as defined in Executive Order 12612.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Regulatory 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 Regulatory Agenda.

List of Subjects

49 CFR Part 171

Hazardous materials transportation, Incorporation by reference.

49 CFR Part 173

Hazardous materials transportation, Packaging, Radioactive materials.

In consideration of the foregoing, 49 CFR Parts 171 and 173 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for Part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, and 1808; 49 CFR Part 1.

2. In § 171.7(d)(4), a new paragraph (iv) is added to read as follows:

§ 171.7 Matter incorporated by reference.

(d)

(iv) For purposes of § 173.420(a)(2) of this subchapter, previous editions of American National Standard N14.1 which are also incorporated are titled "Standard for Packaging of Uranium Hexafluoride for Transport," 1971 and 1982 editions

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

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

Authority: 49 U.S.C. 1803, 1804; 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

4. Section 173.420 is revised to read as follows:

§ 173.420 Uranium hexafluoride (fissile and low specific activity).

(a) In addition to any other applicable requirements of this subchapter, uranium hexafluoride, fissile or low specific activity, must be offered for transportation as follows:

(1) Before initial filling and during periodic inspection and test, packagings must be cleaned in accordance with American National Standard N14.1.

(2) Packagings must be designed, fabricated, inspected, tested and marked in accordance with—

(i) American National Standard N14.1 (1987, 1982 or 1971 edition) in effect at the time the packaging was manufactured;

(ii) Specifications for Class DOT-106A multi-unit tank car tanks (§§ 179.300 and 179.301 of this subchapter); or

(iii) Section VIII, Division I of the ASME Code, provided the packaging—

(A) Was manufactured on or before June 30, 1987;

(B) Conforms to the edition of the ASME Code in effect at the time the packaging was manufactured;

(C) Is used within its original design limitations; and

(D) Has shell and head thicknesses that have not decreased below the minimum value specified in the following table—

Packaging model	Minimum thickness millimeters (inches)
1S, 2S	1.58 (0.062)
5A, 5B, 8A	3.17 (0.125)
12A, 12B	4.76 (0.187)
30B	7.93 (0.312)
48A, F, X, and Y	12.70 (0.500)
48T, O, OM, OM Allied, HX, H, and G	6.35 (0.250)

(3) Uranium hexafluoride must be in solid form.

(4) The volume of solid uranium hexafluoride, except solid depleted uranium hexafluoride, at 20 °C (68 °F.) must not exceed 61% of the certified volumetric capacity of the packaging. The volume of solid depleted uranium hexafluoride at 20 °C (68 °F.) must not

exceed 62% of the certified volumetric capacity of the packaging.

(5) The pressure in the package at 20 °C (68 °F) must be less than 101.3 kPa (14.8 psia).

(b) Packagings of uranium hexafluoride must be periodically inspected, tested, marked and otherwise conform with the American National Standard N14.1-1987.

(c) Each repair to a packaging for uranium hexafluoride must be performed in accordance with American National Standard N14.1-1987.

Issued in Washington, DC on August 21, 1969 under authority delegated in 49 CFR Part 1.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

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