

request of KB Radio. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 17, 1987.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-361, adopted February 10, 1987, and released March 3, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended, under Texas, by revising Channel 252A to 251C2 for Lorenzo.

Mark N. Lipp,

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

[FR Doc. 87-5230 Filed 3-11-87; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-166V, Amdt. No. 173-199]

Hazardous Materials; Uranium Hexafluoride

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

ACTION: Emergency final rule.

SUMMARY: This document revises the final rule published on November 18, 1986 in the Federal Register [51 FR 41631] under Docket HM-166V, by removing the requirement that all uranium hexafluoride (UF₆) cylinders be cleaned in accordance with specific procedures contained in Appendix A of the American National Standards Institute (ANSI) Standard N14.1-1982. This action is necessary on an

emergency basis, due to health and safety hazards that may be associated with use of cleaning procedures in Appendix A, ANSI Standard N14.1-1982 for packagings other than new packagings. The effect of this action is to remove potential hazards identified with required cleaning procedures for packagings containing UF₆.

EFFECTIVE DATE: March 12, 1987.

FOR FURTHER INFORMATION CONTACT: Michael E. Wangler, Technical Division, Office of Hazardous Materials Transportation, 400 Seventh St., SW., Washington, DC 20590, (202) 366-4545.

SUPPLEMENTARY INFORMATION:

On November 18, 1986, RSPA published a final rule under Docket HM-166V, entitled "Hazardous Materials; Uranium Hexafluoride", amendment numbers 172-107 and 173-198 at 51 FR 41631. These amendments strengthened the hazardous materials regulations (HMR, 49 CFR Parts 171 through 179) applying to the transport of UF₆. Specifically the amendments required that containers for UF₆ be constructed, inspected, tested, cleaned and repaired in accordance with a consensus standard, ANSI Standard 14.1-1982. In addition, the amendments placed limitations on filling cylinders and transporting of filled cylinders.

Subsequent to publication of the final rule, RSPA learned that the new requirements had disqualified a large number of existing UF₆ cylinders, thereby causing serious problems for shippers of this material. In response to five petitions for reconsideration, RSPA on December 24, 1986, published at 51 FR 46674 a revision of the final rule, which both delayed, until June 30, 1987, the requirement that cylinders be constructed in accordance with ANSI Standard 14.1-1982 and modified the packaging requirement by authorizing not only ANSI Standard 14.1-1982 but previous editions of that standard. The revision also announced that a public meeting would be held on March 2, 1987, to discuss issues related to RSPA's rules on the transport of UF₆. The revision did not alter or delay requirements for cleaning cylinders.

On March 2, 1987, the public meeting was held at the U.S. Department of Transportation. Commenters cited potential disruption in defense and civilian nuclear activities if approximately 50,000 UF₆ packagings were removed from transportation by the new regulation.

In the final rule, cleaning procedures specified in Appendix A of ANSI Standard 14.1-1982 were incorporated in 49 CFR 173.420(a)(1) and made applicable to the cleaning of new and

used packagings for UF₆. During the March 2, 1987 meeting, several attendees noted that the cleaning procedures in Appendix A are not suitable for cleaning used packagings. Specifically, the Appendix A procedures require that hydrostatic testing be performed prior to cleaning the interior. The commenters believed that introduction of water into a packaging containing a residue of UF₆ during hydrostatic testing could cause a reaction between UF₆ and the water. This reaction produces hydrogen flouride (HF), a corrosive material which may damage the interior of the packaging and could potentially be released and injure persons in the area. RSPA agrees with these commenters and this emergency final rule is being issued to change § 173.420(a)(1) to reference cleaning procedures in ANSI Standard N14.1-1982, which contains procedures for cleaning both new and used packagings, and to delete the reference to Appendix A of the standard, which is suitable for new packagings only.

Other issues discussed in the March 2, 1987 meeting are under consideration by RSPA and not addressed in this final rule.

Under the provisions of section 553 of the Administrative Procedure Act, agencies are permitted to issue a rule in final form when notice and public procedure are impracticable, unnecessary or contrary to the public interest. This final rule eliminates an erroneous and potentially hazardous regulatory requirement and delay of its implementation is believed to be contrary to the public interest. Therefore, I find, under 5 U.S.C. 553, that notice and public procedures on the rule and delay in its effective date are contrary to the public interest.

The RSPA has determined that this rulemaking (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.*). Based on limited information concerning the size and nature of entities likely affected, 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.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Packaging, Radioactive materials.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for 49 CFR Part 173 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808, 1809; 49 CFR 1.53(e), 1.53, App. A to Part 1, 49 U.S.C. 1655, 1655(c).

2. In § 173.420, paragraph (a)(1) is revised to read as follows:

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

(a) * * *

(1) Before initial filling and during periodic inspection and test, packagings shall be cleaned in accordance with American National Standard N14.1-1982.

Issued in Washington, DC, on March 9, 1987, under authority delegated in 49 CFR Part 1.

M. Cynthia Douglass,
Administrator, Research and Special Programs Administration.

[FR Doc. 87-5357 Filed 3-11-87; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 301**

[Docket No. 70341-7041]

Pacific Halibut Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule and request for comments.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, issues an emergency rule under 16 U.S.C. 773c to implement a regulatory proposal that was adopted by and requested by the International Pacific Halibut Commission as part of its annual 1987 regulations. This regulation imposes a minimum size limit on the sport fishery in U.S. waters south of the U.S.-Canada boundary in order to conserve Pacific halibut stocks and help rebuild and sustain them at an adequate level.

DATES: This rule is effective from March 9, 1987, until modified, superseded, or rescinded. Comments are due by April 8, 1987.

ADDRESS: Send comments to Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitt at 206-526-6150; or Executive Director, International Pacific Halibut Commission, P.O. Box 95009, University Station, Seattle, Washington 98145-2009, telephone 206-634-1838.

SUPPLEMENTARY INFORMATION: The International Pacific Halibut Commission (IPHC), under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC on March 29, 1979), has adopted new regulations to govern the Pacific halibut fishery in 1987. When formally approved by the two governments, these regulations will be published in the *Federal Register*, on behalf of the IPHC, and will inform persons subject to the regulations of the restrictions and requirements for halibut fishing in U.S. waters in 1987.

The immediate implementation of a component of these new regulations, the establishment of a 30-inch minimum size limit for all halibut taken and retained by sports fishermen in U.S. waters south of the U.S.-Canada border (IPHC Statistical Area 2A) is essential for proper conservation and management of the Pacific halibut stock located in Area 2A. The IPHC has determined that fishermen have, for at least the past two years, harvested halibut at a rate which is equal to or greater than the annual production of halibut in Area 2A needed to maintain the stock at the existing level. The IPHC decided at its annual meeting in January 26-29, 1987, to reduce the catch by non-Indian fishermen by about 25 percent. The commercial catch reduction will be accomplished by reducing the commercial catch quota for 1987 in the forthcoming IPHC regulations. The IPHC elected to reduce the sport catch by shortening the fishing season and by implementing a minimum size limit. The halibut catch by sport fishermen in Area 2A waters was about 218,000 pounds in 1985 and an estimated 300,000 pounds in 1986. Because the sport fishing season is set a year in advance, it has already begun without an effective size limit. Therefore, it is necessary to implement by this emergency interim rule a minimum size limit of 30 inches for the sport fishery until the IPHC regulations are formally

approved by the Canadian and U.S. Governments. The 30-inch minimum size limit is expected to reduce the harvest in pounds of halibut taken by 16 percent, and to reduce the numbers of halibut taken by 38 percent in Area 2A. The IPHC supports this rule. The United States and Canada are expected to approve the IPHC minimum size limit. The Coast Guard has been consulted and this action has also been endorsed by the Pacific Fishery Management Council.

This action is time critical and requires implementation without prior public comment and without delaying its effectiveness although public comment is invited for 30 days after the effective date. It was the intent of IPHC, and the common understanding of the affected parties that this regulation would be promulgated as soon as practicable to accomplish the purpose of the restriction. Early action is necessary to avoid the need to implement an even more restrictive minimum size and/or shortened sport fishing season later in the year to accomplish the intended reduction of the sport catch in Area 2A.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and is consistent with the Northern Pacific Halibut Act and other applicable law. Absent emergency issuance, it would be necessary to terminate sport fishing for halibut in Area 2A by midsummer to accomplish the IPHC's intended reduction of the sport catch. In view of this, the Assistant Administrator finds there is good cause to promulgate this regulation on an emergency basis and that it is impracticable and contrary to the public interest to require notice and advance public comment, and to delay the effective date of the regulations under the provisions of section 553(b) and (d) of the Administrative Procedure Act.

The policy of NOAA is whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding this rule to the Regional Director at the address above. Comments must be received by the date specified above.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(e)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with