

which will correct errors in the List and in the regulatory language of the rule. It is planned for publication before the end of January, 1987.

Issued in Washington, DC on December 19, 1986 under authority delegated in 49 CFR 1.53.

M. Cynthia Douglass,

Administrator, Research and Special Programs, Administration.

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49 CFR Part 173

[Docket No. HM-166V; Amdt. No. 173-198]

Hazardous Materials: Uranium Hexafluoride: Petitions for Reconsideration; Notice of Public Meeting

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

ACTION: Revision to the final rule (Amendment No. 173-198).

SUMMARY: This document revises the final rule published on November 18, 1986, in the *Federal Register* (51 FR 41631) under Docket HM-166V, Amendment Nos. 172-107 and 173-198, regarding the transportation of uranium hexafluoride (UF₆) to permit the continued use of all packagings for UF₆ until June 30, 1987 after which time UF₆ packaging must meet the design, fabrication and marking requirements specified in American National Standards Institute (ANSI) Standard N14.1-1982 or an earlier edition thereof. Also, RSPA is announcing a public meeting and soliciting comments on the standards applicable to, and the use of, packaging that do not meet these ANSI standards, the effect of requiring these packagings to meet these ANSI standards or other restrictions, and information on standards to which these packagings may have been manufactured. This action is in response to petitions for reconsideration which have been received by RSPA and is necessary to avoid a potential disruption in defense and civilian nuclear activities that would be caused by immediate implementation of the packaging standards promulgated under Docket 166V for all UF₆ shipments.

DATES: The effective date is January 1, 1987. The public meeting will be held on March 2, 1987, beginning at 9:00 a.m. Comments for use at the public meeting should be received by February 15, 1987.

ADDRESSES: The public meeting will be held at the U.S. Department of Transportation, Nassif Building, Room 2230, 400 Seventh Street SW.,

Washington, DC. Address comments to Dockets Branch, Office of Hazardous Materials Transportation (DHM-53), U.S. Department of Transportation, Washington, DC 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street SW., Washington, DC. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

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

SUPPLEMENTARY INFORMATION: On November 18, 1986, RSPA published a final rule under Docket HM-166V, Amendment Nos. 172-107 and 173-198, in the *Federal Register* (51 FR 41632), which adopted standards for the design, fabrication, inspection, testing and marking of packagings used for the transport of UF₆. The final rule followed a notice of proposed rulemaking (NPRM) under Docket HM-166V, which was published on April 11, 1986 (51 FR 12529). Since the publication of the final rule, RSPA has received 5 petitions for reconsideration in accordance with the provisions of 49 CFR 106.35. The petitioners requested reconsideration of the application of packaging standards and extension of the effective date of the final rule. This document modifies a requirement addressing design and fabrication of packaging used for the transport of UF₆ (§ 173.420(a)(2)). Packaging not manufactured in accordance with ANSI Standard N14.1-1982 or an earlier edition of this standard may not be used after June 30, 1987. All other provisions of the final rule will remain unchanged.

Two petitioners have indicated that approximately 50,000 cylinders are currently being used as packaging for the transport of UF₆. Most of these cylinders were manufactured before the publication of ANSI Standard N14.1-1982. Most of these cylinders are owned by the U.S. Department of Energy (USDOE), whose uranium enrichment program provides UF₆ for national defense programs as well as the domestic and foreign nuclear power industry. RSPA acknowledged in the final rule that some cylinders, manufactured before 1982, would not meet the new requirement. RSPA proposed to permit continued use of the cylinders through exemptions granted under the provisions of Part 107 of the Hazardous Materials Regulations (HMR). However, all petitioners have noted that the time period between the

publication date and the effective date of the final rule is too short to obtain exemptions. RSPA agrees with the petitioners. A delay in the implementation of the requirement for design and fabrication of all UF₆ packaging is justified.

Although RSPA acknowledged in the final rule that some packagings may not conform to the packaging requirements and, therefore, could be continued in use only under the terms of exemptions, RSPA believed that the number would be small and promulgation of the design and fabrication requirement covering all other cylinders would enhance safety. RSPA had received comments on the NPRM addressing the potential impact on existing cylinders, but RSPA was not aware of the degree of impact. Based upon the new information submitted by the petitioners for reconsideration, RSPA now believes that § 173.420(a)(2) of the final rule could have an adverse effect on the entire industry and requires further consideration before its implementation. RSPA also believes that the transport of UF₆ cylinders is a matter of such general applicability and future effect that it should be addressed by means of the rulemaking process rather than the exemption process. In addition, upon reexamination of packaging standards, RSPA believes that packagings manufactured in accordance with ANSI Standard 14.1-1971 are acceptable for transportation UF₆.

To facilitate RSPA reevaluation of the requirements of UF₆ cylinders not manufactured in accordance with ANSI Standard 14.1-1982 or an earlier edition of the standard, the public is invited to submit information regarding (1) the effects of the requirement that all packagings be designed and fabricated in accordance with ANSI standards, including the technical and economic impacts of implementing the requirements; (2) the effect of permitting continued use of existing cylinders that do not conform to ANSI standards (grandfathering) and any restrictions or conditions that should be placed on their continued use; (3) all of the standards to which existing cylinders have been manufactured; and (4) any other relevant information regarding design and fabrication of non-ANSI packagings. Comments should be submitted to RSPA by February 15, 1987. Additionally, RSPA will hold a public meeting on March 2, 1987, beginning at 9 a.m. at the U.S. Department of Transportation (Room 2230 of the Nassif Building, 400 Seventh Street SW., Washington, DC) to explore more fully the information submitted by the public.

In consideration of the factors discussed above, the RSPA is revising Amendment 173-198 in the following manner: After June 30, 1987, packagings used for transport of UF₆ must be designed, fabricated, and marked in accordance with ANSI Standard N14.1-1982, or a previous edition thereof.

Administrative Notices

The RSPA has determined that the rulemaking and this amendment (1) are not "major" under Executive Order 12911; (2) are 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) do 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. Based on limited information concerning the size and nature of entities likely affected, I certify that the regulation and this amendment 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; 49 CFR 1.53(e), unless otherwise noted.

2. § 173.420(a)(2) is revised to read as follows:

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

(a) * * *

(2) After June 30, 1987, packagings must be designed, fabricated, and marked in accordance with American National Standard N14.1-1982, or a previous edition thereof.

* * * * *

Issued in Washington, DC, on December 19, 1986 under authority delegated in 49 CFR Part 1.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 Sub-No. 20]

Exemption From Regulation Storage Leases

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules [exemption].

SUMMARY: The Commission is adopting final rules exempting the leasing of railroad equipment for non-transportation storage purposes from the provisions of 49 U.S.C. Subtitle IV, except for the car shortage and traffic emergency situations specified at 49 U.S.C. 11123. The exemption will enable railroads to make more efficient use of their rail assets and remove potential interpretive conflicts in existing case law. It will not have an adverse effect on any of the goals of the rail transportation policy of 49 U.S.C. 10101a. A new § 1039.20 of Title 49 of the Code of Federal Regulations is added.

EFFECTIVE DATE: These rules will be effective on January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Proposed rules in this proceeding were published at 51 FR 7964, March 7, 1986. Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

This decision will not significantly affect either the quality of the human environment or energy conservation. We certify that this decision will not have a significant economic effect on a substantial number of small entities.

List of Subjects in 49 CFR 1039

PART 1039—[AMENDED]

Railroads.

Title 49 of the CFR is amended as follows:

1. The authority citation for 49 CFR Part 1039 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10708, 10713, 10762, and 11105; 5 U.S.C. 553.

2. A new § 1039.20 is added to read as follows:

§ 1039.20 Storage leases.

Storage leases for all equipment for all carriers are exempt from the provisions of 49 U.S.C. Subtitle IV except for 49 U.S.C. 11123. Nothing in this exemption should be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent decision of this Commission.

Decided: December 8, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Lamboley dissented with a separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 86-28874 Filed 12-23-86; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 604 and 653

[Docket No. 60617-6230]

Red Drum Fishery of the Gulf of Mexico

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

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico (FMP). The rule (1) establishes quotas and harvest limitations for the directed and non-directed commercial red drum fisheries, harvest limits for the recreational fishery, and procedures for annual modification of the quotas, and (2) establishes permitting and reporting requirements for certain participants in the fishery. The intended effect of this rule is to prevent overfishing while achieving optimum yield from the red drum fisheries on a continuing basis.

EFFECTIVE DATE: December 19, 1986.

ADDRESS: The final regulatory impact review/regulatory flexibility analysis may be obtained from Donald W. Geagan, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce (Secretary)