

The above Determination and Order is issued pursuant to section 9(a) of TSCA and is based on all of the information available to OSHA at this time. However, the rulemaking authority found in section 6 of the OSH Act provides the procedures and requirements for promulgating occupational safety and health standards. These procedures and requirements allow for the development of a complete rulemaking record with full participation by interested parties. Nothing in this document shall serve to diminish any right, requirement, or procedure established by the OSH Act, including the right to a hearing and the obligation to base a standard on substantial evidence in the record considered as a whole.

#### IV. Authority

This Notice was prepared under the direction of Patrick R. Tyson, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

It is issued pursuant to section 9(a) of the Toxic Substances Control Act (TSCA) (90 Stat 2060 (15 U.S.C. 2608); and Secretary of Labor's Order No. 9-83 (48 FR 35736)).

Signed at Washington, DC, this 8th day of April, 1986.

Patrick R. Tyson,

*Acting Assistant Secretary of Labor.*

[FR Doc. 86-8200 Filed 4-9-86; 10:06 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 172 and 173

[Docket No. HM-166V; Notice No. 86-2]

### Hazardous Materials; Uranium Hexafluoride

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** RSPA is proposing an amendment to the Hazardous Materials Regulations (HMR) to clearly specify certain safety control measures that must be employed before uranium hexafluoride (UF<sub>6</sub>) is offered for transportation. RSPA believes this action is necessary to further increase safety in the transportation of UF<sub>6</sub> because of its potential chemical hazard in addition to its limited radiological hazard.

**DATE:** Comments must be received on or before July 1, 1986.

**ADDRESS:** Address comments to: Dockets Branch, Office of Hazardous Materials Transportation, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted, if possible, in 5 copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh St., SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** A. Wendell Carriker, Technical Division, Office of Hazardous Materials Transportation, 400 Seventh St. SW., Washington, D.C. 20590, (202) 426-2313.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 4, 1986 there was a non-transportation accident involving uranium hexafluoride (UF<sub>6</sub>) at the Kerr-McGee plant near Gore, Oklahoma. Based on preliminary information about the accident, which was investigated by the Nuclear Regulatory Commission (NRC), RSPA convened a review group to consider the chemical hazards of UF<sub>6</sub>, which is classed as a radioactive material, and to examine the adequacy of the HMR in addressing the hazard potential of this material.

UF<sub>6</sub> is offered for transportation either as a fissile material (containing more than 1% of U-235) or a low specific activity (LSA) material. In either case, the potential chemical hazard of the material is the same and is likely to be much more significantly than its radiological hazard in the event of a breach of containment resulting from a transportation accident.

A complete copy of the Review Group's report and correspondence between the NRC and RSPA are on file in the public docket. The report includes a detailed discussion of UF<sub>6</sub> including the larger packagings presently employed for its transportation, the risks associated with exposure to fire, recommendations relative to changes in the regulations, and modification of Guide 66 in the Emergency Response Guidebook (ERG) which is devoted to UF<sub>6</sub> incidents. RSPA agrees with the recommendations of the Review Group and this NRPM constitutes, in part, action in response to their recommendations. Changes to Guide 66 of the ERG will be forthcoming in the 1987 edition.

#### Discussion of proposal

Present regulations are more specific for fissile UF<sub>6</sub> than for LSA UF<sub>6</sub>. Implementation of detailed requirements for fissile UF<sub>6</sub> is via incorporation by reference of U.S. Department of Energy Report No. ORO-651 and American National Standards Institute (ANSI) Standard N14.1-1982. While there is no indication that any shipments (LSA or Fissile) have been offered for transportation in nonconformance with one or both of these standards, RSPA believes that certain safety control measures should be specifically stated by rule for both categories of UF<sub>6</sub> since they are essential to the continued safe transportation of UF<sub>6</sub>.

It is proposed to add a new § 173.420 to address packaging requirements for both fissile UF<sub>6</sub> and LSA UF<sub>6</sub>. The new section would specifically reference ANSI N14.1-1982 with regard to the construction, cleaning, repairs, periodic inspections and tests of packagings used for UF<sub>6</sub>. Filing requirements would be specified to (1) require that UF<sub>6</sub> be in solid form prior to being offered for transportation, (2) limit the volume of solid UF<sub>6</sub> at 70 °F. to a maximum of 61% of the volumetric capacity of the packaging in which it is shipped and (3) require that pressure in the filled packaging be less than 14.7 psia at 70 °F. The entries of UF<sub>6</sub> in the § 172.101 Hazardous Materials Table would be amended to reference § 173.420 for specific packaging requirements, in addition to § 172.417 for fissile material and § 173.425 for LSA material.

Copies of ANSI N14.1-1982 may be obtained from the American National Standards Institute, Inc. 1430 Broadway, New York, N.Y. 10018.

#### Administrative Notices

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.) 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 this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects****49 CFR Part 172**

Hazardous materials transportation, Hazardous materials table.

**49 CFR Part 173**

Hazardous materials transportation, Packaging, Radioactive materials.

In consideration of the foregoing, 49 CFR Parts 172 and 173 would be amended to read as follows:

**PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS**

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

Authority: 49 U.S.C. 1803, 1884, 1805, 1808; 49 CFR Part 1, unless otherwise noted.

**§ 172.101 [Amended]**

2. In the § 172.101 Hazardous Materials Table:

a. For the entry "Uranium hexafluoride, fissile (*containing more than 1% U-235*)", the column (5) (b) section reference would be revised to read "173.417, 173.420".

b. For the entry "Uranium hexafluoride, low specific activity", the column (5)(b) section reference would be revised to read "173.420, 173.425".

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

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

Authority: 49 U.S.C. 1803, 1084, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

4. A new § 173.420 would be added to read as follows:

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

(a) In addition to any applicable requirements in § 173.417, § 173.421 and § 173.425, uranium hexafluoride, fissile or low specific activity, shall be packaged in conformance with the following requirements:

(1) Before filling, packagings shall be cleaned in accordance with Appendix A of American National Standard N14.1-1982;

(2) Packagings must be designed, fabricated, inspected and tested in accordance with American National Standard N14.1-1982;

(3) Uranium hexafluoride must be in solid form when offered for transportation;

(4) The volume of the solid uranium

hexafluoride at 70 °F must not exceed 61% of the volumetric capacity of the packaging; and,

(5) The pressure in the package at 70 °F must be less than 14.7 psia.

(b) Packagings of uranium hexafluoride must be periodically inspected and tested in accordance with American National Standard N14.1-1982.

(c) Each repair to a packaging for uranium hexafluoride shall be performed in conformance with American National standard N14.1-1982.

Issued in Washington, D.C. on April 8, 1986 under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 86-8123 Filed 4-10-86; 8:45 am]

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**INTERSTATE COMMERCE COMMISSION**

**49 CFR Part 1042**

[Ex Parte No. MC-65 (Sub-6)]

**Passenger Motor Carrier Superhighway and Deviation Rules; Request for Comments**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Supplemental request for comments to notice of petition for rulemaking.

**SUMMARY:** In response to a petition filed by Trailways, Inc., a notice was published in the *Federal Register*, of February 1, 1979 (at 44 FR 6580), seeking comments on a proposal to amend the Superhighway Rules—Motor Common Carriers of Passengers at 49 CFR 1042.1, and the Deviation Rules—Motor Carriers of Passengers at 49 CFR 1042.2. The proposed changes would liberalize the circumstances under which regular-route motor carriers of passengers could conduct operations over superhighways and alternate routes. Comments were filed by several motor carriers as well as by Federal and State agencies. No action was taken, partially in light of the expectation of passage of passenger carrier reform legislation. Liberalized entry standards were promulgated under the Bus Regulatory Reform Act of 1982, Pub. L. 97-261, 96 Stat. 1102, September 20, 1982. However, under the Bus Act, passenger motor carriers are able to obtain new operating authority under highly-relaxed and expedited procedures. These authorities would include operations similar to those that

would be available under the proposal. Because of this fact and the staleness of the record, we are now inquiring whether any interest exists in continuing to pursue the matters raised in the petition and seeking comments on whether to continue the proceeding.

**DATE:** Comments are due May 12, 1986.

**ADDRESSES:** The original and, if possible, 10 copies of comments should be sent to: Ex Parte No. MC-65 (Sub-No. 6), Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Richard R., Hartley, (202) 275-7786.

or

Howell I. Sporn, (202) 275-7691.

**SUPPLEMENTARY INFORMATION:** In 1979, we noticed a proposal by Trailways, Inc., to amend the Superhighway Rules—Motor Common Carriers of Passengers at 49 CFR 1042.1 and the Deviation Rules—Motor Carriers of Passengers at 49 CFR 1042.2. The proposed changes would liberalize the circumstances under which regular-route motor carriers of passengers could conduct operations over superhighways and alternate routes. We invited comments on that proposal and they were filed by Trailways, Transport of New Jersey, Greyhound Lines, Inc., the United States Departments of Justice and Transportation, the United States Office of Consumer Affairs, the Alabama Public Service Commission, and jointly by Hudson Transit Lines, Inc., and Lakeland Bus Lines, Inc.; Capital Motor Lines, Inc., Carolina Coach Company and Seashore Transportation Company; and Maplewood Equipment Company, Real Transit Co., Inc., Evergreen Equipment Company and West Hunterdon Transit Co.

No action had been taken in this proceeding prior to enactment of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261, 96 Stat. 1102 (1982) (Bus Act). The Bus Act did not address the issue of Superhighway and Deviation Rules. However, under the Bus Act, passenger motor carriers are able to obtain new operating authority under highly-relaxed and expedited procedures. These authorities would include operations similar to those that would be available under the proposal. Because of this fact and the staleness of the record, we are now inquiring whether any interest exists in continuing to pursue the matters raised in the petition.

Accordingly, we solicit comments on whether to continue this proceeding.