mandatory inspection and maintenance (I/M) program on August 1, 1984. This program successfully started on that date. On September 18, 1984 (49 FR 36511), EPA proposed to approve the revision. Additional material was then submitted on January 3, 1985 and March 25, 1985. Today's action gives final approval to that Boise-Ada County CO SIP revision. Additional background information and plan description can be found in the September 18, 1984 proposed rulemaking.

II. Response to Comments

No comments were received.

III. Summary of Rulemaking Action

With this notice EPA is approving the 1984 Boise CO attainment plan and establishing a new attainment date of December 31, 1986. This approval is based on review of the SIP revision submitted by the IDHW to EPA on May 29, 1984 and additional material submitted on January 3, 1985 and March 25, 1985.

IV. Administrative Review

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410(b) and 7502))

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Incorporation by reference.

Note.—Incorporation by reference of the Implementation Plan for the State of Idaho was approved by the Director of the Office of Federal Register in July 1, 1982.

Dated: May 22, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7410(b) and 7502

Subpart N—Idaho

2. In § 52.670, paragraph (c)(23) is added as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(23) On May 29, 1984, the State of Idaho Department of Health and Welfare submitted the Boise-Ada County carbon monoxide attainment plan as an official State Implementation Plan revision. The submittal was then supplemented on January 3, 1985.

3. In Section 52.679, the entry for Chapter VIII—Nonattainment Area Plans is revised as follows:

§ 52.679 Contents of Idaho State Implementation Plan.

* * * * *

Chapter

VIII—Non-Attainment Area Plans (submitted 1/15/80)

VIII-a—Silver Valley Nonattainment Plan (submitted 1/15/80).

VIII-b—Lewiston Nonattainment Plan (submitted 12/4/80)

VIII-c—Transportation Control Plan for the carbon monoxide of Ada County (submitted on 5/24/84, 1/3/85, and 3/25/85)

VIII-d—Pocatello TSP Nonattainment Plan (submitted 3/7/85)

VIII-e—Soda Springs Nonattainment Plan (submitted 1/15/80)

* * * * *

4. Section 52.680 is revised to read as follows:

§ 52.680 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in Idaho's plan, except where noted.

Air Quality Control Regions	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Eastern Idaho Intrastate	b	d	d	d	a	a	a
Eastern Washington-Northern Idaho Interstate (Idaho)	b	d	d	d	a	a	a
Idaho Intrastate	d	d	a	a	a	a	a
Metropolitan Boise Interstate:							
1. Boise-Ada County area	d	d	a	a	a	c	a
2. Remainder of AQCR	d	d	a	a	a	a	a

a. Air Quality levels presently below secondary standards.
b. Dec. 31, 1982.
c. Dec. 31, 1986.
d. Date not established.

[FR Doc. 85-12841 Filed 6-5-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket HM-193, Amt. No. 173-188]

Tritium and Carbon-14; Low Specific Activity Radioactive Materials Transported for Disposal or Recovery

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau (MTB) is amending § 173.425 of the Hazardous Materials Regulations (HMR) to except certain low specific activity radioactive materials containing tritium (hydrogen-3) or carbon-14 from most requirements of the HMR when the materials are being transported for disposal or reclamation. This amendment allows the shipment of waste materials such as scintillation counting media, animal carcasses and tissue containing not more than 0.05 microcuries per gram (1.9 megabecquerels per kilogram) of tritium or carbon-14 without further consideration of their radioactive hazards. This action is consistent with the Nuclear Regulatory Commission (NRC) provisions specified in new section 20.306, Title 10, Code of Federal Regulations relating to the disposal by NRC licensees of tritium and carbon-14 low specific activity radioactive materials.

EFFECTIVE DATE: These amendments are effective August 1, 1985. However, compliance with the regulations as amended herein is authorized immediately.

FOR FURTHER INFORMATION CONTACT: R.R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–2313.

SUPPLEMENTARY INFORMATION:

I. Background

On August 23, 1984, MTB published a notice of proposed rulemaking (Notice 84–8) in the **Federal Register** (49 FR 33469). That notice proposed allowing materials containing low levels of tritium or carbon-14 to be transported without regard to their radioactive properties. The proposal would relax requirements of the HMR for transportation to be consistent with NRC provisions in 10 CFR 20.306 for disposal of tritium and carbon-14 containing wastes that have specific activities of 0.05 microcuries per gram (1.9 megabecquerels per kilogram) or less.

The requirements of § 173.425 address most shipments of low-level radioactive waste transported from NRC or Agreement State licensees to licensed disposal facilities. Medical, biomedical, and related research institutions generate relatively large volumes of tritium and carbon-14 contaminated wastes that meet the definition of low specific activity radioactive material (§ 173.403(n)(4)(iii)). Much of the waste from these institutions is several orders of magnitude below the maximum activity level limit established for low specific activity radioactive materials. However, they still exceed the statutory definition of radioactive materials (49 U.S.C. 1807) which includes any material having a specific activity greater than 0.002 microcuries per gram (74 kilobecquerels per kilogram) of material.

Most scintillation media wastes also meet the definition of a flammable liquid and are suspected to be carcinogens as well. Animal carcasses and tissues are not classified as hazardous materials *per se* but their disposal is often times handled in the same manner as hazardous materials. The flammability of the very low specific activity scintillation media is considered by MTB to present a greater hazard in transportation than their radiotoxicity. The propsal was, therefore, to require that very low specific activity scintillation media be packaged, marked, labeled and otherwise prepared for shipment and transported on the basis of their flammability or another acute hazard, if present. Animal carcasses and tissues containing low levels of tritium or carbon-14 which do not meet the definition of another hazard class could be transported as materials not subject to the HMR.

The NRC investigation of problems associated with these low activity wastes from the biomedical community resulted in rules documents published in the **Federal Register** on October 8, 1980 (45 FR 67018) for the proposed rule, and March 11, 1981 (46 FR 16230) for the final rule. As adopted, the new § 20.306 in 10 CFR allows licensees greater latitude in the disposal of certain wastes containing low concentrations of tritium and carbon-14. In essence, if the specific activity of animal carcasses and tissues and liquid scintillation media is not greater than 0.05 uCi/g (1.9 MBq/kg) they may be disposed of without regard to the radioactive nature of the materials. When compared to other radionuclides, the fundamentally lower radiation hazards of tritium and carbon-14 allow these low activity wastes to be disposed of safely when emphasis is placed on the other hazardous or noxious properties presented by the materials.

II. Comments Received

MTB received comments on the proposed rule change from nine companies and one individual. All but one of the comments expressed a position and were supportive of the proposal. Several encouraged expansion of the scope of the change and some raised specific points as needing clarification.

Several commenters pointed out that the term "disposal" is used differently by the NRC and Environmental Protection Agency. In some cases "disposals" is used in a narrow manner and refers only to land burial or incineration. In other usages "disposal" is expanded to include beneficial reuse. The commenters encouraged MTB to ensure that the scope of the final rule incorporates the broader application of the term.

The NRC has determined that these materials may meet their ultimate disposition without regard to their radioactivity. MTB further believes that transportation of these waste materials presents less of a hazard than their disposition. Consequently, the radiological safety aspects of their transportation is assured regardless of their ultimate method of disposition. MTB agrees that transport of these materials for beneficial reuse should be included and so the words "or recovery" are added to "disposal" in § 173.425(d).

One commenter believed that the proposed rule implied that these low specific activity (less than 0.05 μCi/g or 1.9 MBq/kg) *must* be transported in accordance with § 173.425 in all situations. MTB would like to clarify that this is not the case.

Disregarding for a moment any other hazardous properties of these materials, there are several different situations which may apply to a low specific activity material. If the material has a specific activity of 0.002 μCi/g (74 kBq/kg) or less, then it is not regulated as radioactive by the HMR. If the material has a high enough specific activity to be regulated but the total activity in each package does not exceed 2.0 mCi (74 MBq) of tritium or 6.0 mCi (222 MBq) of carbon-14, then the package could be shipped as a "limited quantity" in accordance with §§ 173.421 and 173.421–1 (multiple hazard radioactive materials in this category would be governed by § 173.421–2). If the material exceeds both the threshold specific activity for regulation in transportation and the total activity limit for limited quantities, *then* the material would be transported in accordance with § 173.425. There is also the option of packaging and transporting these materials as Type A quantities (§ 173.415).

It should also be noted that a recent MTB rulemaking (Docket HM–139G) has been published (50 FR 11700) which allows yet another option for shipping flammable scintillation media waste such as xylene, toluene and acetone containing low levels of tritium and carbon-14. Since the new § 173.425(d) allows disregard of the radioactive nature of the material, it can be shipped in accordance with the recently added § 173.12. Alternatively, a shipper of these materials could prepare them for transportation in accordance with §§ 173.118 or 173.119 of the HMR.

One commenter suggested increasing the number of radionuclides which would be covered by this rule. MTB is relying, in part, on the regulatory evaluation performed by the NRC in their earlier rulemaking action. Since the NRC action was specifically limited to tritium and carbon-14, MTB is limiting its actions to these radionuclides as well. If the NRC adds other

radionuclides to CFR 20.306, they would automatically be incorporated into the provisions of this final rule since §173.425(d) refers generically to the NRC requirement.

One commenter questioned whether or not facilities would be allowed to incinerate the low specific activity (less than 0.05 μCi/g or 1.9 MBq/kg) tritium and carbon-14 wastes. This rulemaking has absolutely no effect on the Federal, State or local requirements which govern acceptable techniques for disposal or processing. The licensing or permitting of these operations are not under the jurisdiction of DOT. This rulemaking only relaxes the regulatory requirements for transportation in the course of disposal or recovery of the materials.

III. Administrative Notices

A. Executive Order 12291

The MTB has determined that the effect of this final rule will not meet the criteria specified in section 1(b) of Executive Order 12291 and is, therefore, not a major rule. This is not a significant rule under DOT regulatory procedures (44 FR 11034) and requires neither a Regulatory Impact Analysis, nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.) A regulatory evaluation is available for review in the Docket.

B. Impact on Small Entities

Based on limited information concerning size and nature of entities likely affected, I certify this final rule will not, as promulgated, have a significant economic impact on a substantial number of small entities under criteria of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation.

In consideration of the foregoing, Part 173 of Title 49, Code of Federal Regulations is amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for Part 173 continues to read in part as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53(e). * * *

2. In 173.425, paragraph (d) is added to read as follows:

§ 173.425 Transport requirements for low specific activity (LSA) radioactive materials.

* * * * *

(d) Except for transportation by aircraft, low specific activity material that conforms with the provisions specified in 10 CFR 20.306 is excepted from all requirements of this subchapter pertaining to radio-active materials when offered for transportation for disposal or recovery. A material which meets the definition of another hazard class is subject to the provisions of this subchapter relating to that hazard class.

Issued in Washington, D.C., on May 31, 1985.

L.D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 85-13602 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 83-12; Notice 5]

Lamps, Reflective Devices, and Associated Equipment; Clarifications

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; clarifying amendments.

SUMMARY: This notice clarifies the final rule published on November 26, 1984 (49 FR 46386), relating to lamps, reflective devices, and associated equipment through non-substantive amendments to paragraph S4.1.1.11 and Figure 1a.

EFFECTIVE DATE: June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Ken Rutland, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2154).

SUPPLEMENTARY INFORMATION: Following publication of the harmonization amendments to Standard No. 108 on November 26, 1984 (49 FR 46366), the agency received several requests for clarification. After due consideration, it has decided that clarification is best provided by non-substantive amendments to the provisions in question.

The harmonization amendments substituted new paragraphs S4.1.1.11 and S4.1.1.12 for the old ones, requiring new Figures 1a, 1b, and 1c to replace former Figure 1. With respect to motorcycle turn signal lamps, the values of Figure 1b have been substituted for those specified in paragraph S4.1.1.30 (which was unchanged and which allowed alternative compliance with either one-half of certain SAE values, or those of Figure 1). This means that S4.1.1.30 has been superseded, is technically incorrect, and may be eliminated from the standard. However, because new paragraph S4.1.11 has omitted stating that motorcycle turn signal lamps need meet only one-half the sums given in Figure 1b, the impression has been created that the grouped minimum candlepower method for testing motorcycle turn signal lamps is no longer available. The agency intended no change in this requirement. NHTSA is therefore amending paragraph S4.1.1.11 to correct the misimpression, and to delete paragraph S4.1.1.30.

Paragraph S4.1.1.11 also references values in Figures 1a and 1b that are substituted for those in Table 1 of SAE "J585e Taillamps (at H or above)". The agency intended to state "(Maximum at H or above)", an omission which could create confusion and is now being corrected.

Finally a footnote is being added to Figure 1a to clarify that values shall be truncated after one digit to the right of the decimal point. For example, 95 cd×12.6%=11.875 cd, but the value to use is 11.8 cd, dropping the last two digits. The Figure is also being changed graphically to assure easier reading of the test grid percentages.

Because these amendments are non-substantive and provide clarifications, it is hereby found for good cause shown that notice and comment are unnecessary and an effective date earlier than 180 days after issuance is in the public interest. The amendments are effective upon publication in the **Federal Register.**

List of Subject in 49 CFR Part 571

Imports, Motor vehicles safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

The authority citation for Part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

Section 571.108 is amended as follows:

1. The last sentence in paragraph S4.1.1.11 is revised to read:

S4.1.1.11 * * * The values specified in Figure 1a and Figure 1b are substituted for those specified in Table 1 of the following SAE Standards: J222 *Parking Lamps*, J585e *Taillamps* (maximum at H or above), J585c *Stop Lamps*, and J588e *Turn Signal Lamps*, except that motorcycle turn signal lamps need meet only one-half of the minimum