considered during design. This section is amended to include a closure requirement on a containment system that is a separate unit of the packaging. One commenter requested that the phrase "significant increase" be revised to read "20% increase", which would be in conformance with IAEA. RSPA believes that the term "significant" is necessary to handle the different packaging parameters, and therefore, is not adopting this commenter's request.

Section 173.413. This section is editorially revised to correct section references and terminology.

Section 173.415. This section, "Authorized Type A packages", is amended to eliminate the reference to DOT Specification 55 packaging, which has not been authorized since July 1, 1985. This section is also amended to permit the use of Type A packagings that meet the NRC fissile material packaging requirements.

Section 173.416. This section, "Authorized Type B packages," is amended to eliminate the reference to the DOT Specification 55 packaging, and eliminate the use of DOT Specification 55 packaging as an inner container for DOT Specification 20WC and 21WC overpacks.

Section 173.417. This section, "Authorized packages-fissile materials," is amended to eliminate references to different fissile classes and to remove a direct reference to authorized packaging for 500 grams of Uranium-235 and 320 grams of plutonium. Section 173.417(a)(8) and (b)(5) specify the authorized packagings for Type A and Type B, respectively, quantities of uranium hexafluoride (UF₆). Section 173.417(b)(5)(iii) limits the amount of uranium hexafluoride in a package to the amount specified in "Table 6—Authorized Quantities Of Uranium Hexafluoride (UF₆)." In Table however, only DOT specifications 20PF-1 and 20PF-2 are authorized to contain a Type B quantity of uranium hexafluoride. Therefore, §173.417(b)(5) is revised to authorize only the DOT specifications 20PF-1 and 20PF-2 for the transportation of Type B quantities of uranium hexafluoride. In addition, because their use is no longer allowed, the Specification DOT 21PF-1 overpack has been removed from §173.417(a)(8)(ii).

Sections 173.418–173.420. These sections are revised to correct section references and terminology. In addition, this section is revised, consistent with the changes in § 173.423, to note that limited quantities of radioactive material that meet the definition of a hazardous substance or hazardous waste must comply with the shipping paper requirements of the HMR.

Section 173.421. This section, "Excepted packages for limited quantities of radioactive material," is amended to require compliance with the design requirements of § 173.410.

Section 173.422. The proposal in this section, "Additional requirements for excepted packages," to incorporate new proper shipping names and new UN identification numbers for excepted packages, was adopted under Docket HM–181. Therefore, no changes are made in this final rule.

Section 173.423. This section is revised to correct section references and terminology. This section is also revised based on changes from Docket HM-181 and to correct terminology. Since a material that meets the definition of Class 7 it cannot, by definition, meet the definition of Class 9, reference to Class 9 are removed and appropriate changes have been made to §173.421 (i.e., shipping papers are required). In addition, RSPA believes that specific references to Combustible liquids are no longer needed with the changes to §173.421, therefore, the provisions previously found in paragraph (b) have been removed.

Section 173.424. The NPRM proposed amending this section, "Excepted packages for instruments and articles," to require that instruments and articles be marked with the word "radioactive." Several commenters objected to this proposal. The commenters indicated that devices containing radioactive materials in small quantities require approval by the NRC, who does not require the "Radioactive" marking. They expressed concern that the marking may cause a disproportionate public alarm for a very small quantity of radioactive material. Commenters from the lighting industry also were concerned that the "Radioactive" marking may discourage the use of energy efficient lighting products. Upon review of the proposed requirement, and contrasting the cost to the manufacturer and the possible effect on NRC exempt-distribution licensees versus the increase in safety that the marking may provide, RSPA is not to adopting this proposal. RSPA notes, however, that such instruments and articles must be so marked if transported in accordance with the ICAO Technical Instructions, IAEA Safety Series No. 6, or the IMDG Code.

Section 173.425. As proposed, this section, "Table of activity limits excepted quantities and articles," would have removed the direct reference to tritiated water. Several commenters requested that these limits be retained for domestic use only. Because of the relatively low hazards associated with tritiated water, RSPA concurs with these commenters and has not removed these limits.

Sections 173.426–173.431. See the "Background" section of the preamble for discussion of the changes to these sections.

Section 173.433. This section, "Requirements for determination of A_1 and A_2 values for radionuclides," is completely amended to incorporate a less complex method for calculating the A_1 and A_2 values.

Section 173.434. This section is revised to add references to SI units.

Section 173.435. This section, "Table for A_1 and A_2 values for radionuclides," is amended to incorporate new A_1 and A_2 values as specified in the IAEA regulations.

Section 173.441. Several commenters to this section, "Radiation level limitations," requested that the limits specified be applied only to the "accessible" surface of the package. RSPA believes that this issue warrants further public discussion and, therefore, it is beyond the scope of this rulemaking. RSPA will consider proposing a change consistent with this request in future rulemaking.

Section 173.442–173.446. These sections are revised to correct section references and terminology.

Section 173.447. This section, "Storage incident to transportation general requirements," is amended to delete references to fissile classes. Additionally, two commenters requested that this section be eliminated, based on the idea that if a larger number of packages were permitted to be stored together, rather than segregated by the sum of the transport indices, the packages would shield each other and thus reduce the total potential exposure. RSPA believes that this issue is beyond the scope of this rulemaking.

Section 173.448. This section, "General transportation requirements," is amended to delete references to fissile classes.

Section 173.451. See the "Background" section of the preamble for a discussion of the changes to this section.

Section 173.453. This section, "Fissile materials—exceptions," is amended by deleting the exception for thermal reactor irradiated uranium and thorium or uranium with not more than 0.72% fissile material. One commenter pointed out that the higher limit of 800 grams of fissile mass should apply to uranium-235 only. RSPA concurs and has modified this section accordingly.