



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

21200

[Docket No. HM-36; Amdt. Nos. 171-13,
174-11, 175-6, 177-18]

RADIOACTIVE MATERIALS

Reporting Requirements

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to make reporting requirements for incidents involving radioactive materials consistent with reporting requirements applicable to other hazardous materials.

On July 9, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-36; Notice No. 71-22 (36 F.R. 12913), which proposed this amendment. Interested persons were invited to give their views and several comments were received by the Board. Most comments were in support of the proposal.

Several commenters correctly noted that reference to § 173.399 in §§ 174.588, 175.655, and 177.861 should be to § 173.397. These changes have been made.

One commenter was concerned that difficulties might arise with a requirement to report when "suspected" radioactive contamination is involved. This commenter stated that the requirement for reporting should be conditioned upon observed leakage only and cited as a reason the lack of availability of radiation detection equipment to many carriers. The Board is particularly concerned with failures to report because of this lack of detection devices. It recognizes that when radioactive contamination occurs, detailed investigation, extensive tracing, and many contacts with potentially exposed persons may become necessary. The time, effort, and cost incurred in such cases dictate that incidents be reported as quickly as possible to minimize the ex-

tent and effect of any possible radioactive contamination. Therefore, suspect situations warrant a carrier ascertaining the facts and reporting them to the Department. He may not have the means to do this without enlisting aid from knowledgeable and properly equipped organizations. Past history has shown that many carriers are aware of the potential seriousness of contamination to persons, equipment, or facilities, and have requested radiological assistance when in doubt about the integrity of a package. Since this reaction is desired, the Board has concluded that the conditions suggested by the commenter are not warranted.

One commenter recommended that notification be required within 48 hours following a radioactive materials incident, instead of at the "earliest practicable moment." The "earliest practicable moment" policy is consistent with § 171.15(a). By this amendment, the Board is establishing the radioactive material incident described in §§ 174.588, 175.655, and 177.861 as immediately reportable, rather than only reportable within some longer time frame. The nature of a radioactive contamination problem indicates to the Board that immediate reporting to the Department and the shipper involved is particularly essential and entirely appropriate with respect to the public's interest.

It should be emphasized that the reporting requirements for radioactive materials transportation incidents as established by the Board in this amendment are in no way intended to replace or impair the existing national system for obtaining emergency radiological assistance in the event of incidents involving radioactive materials. That system, which is intended to provide response capabilities for radiological monitoring in emergencies, is administered by the U.S.

Atomic Energy Commission and supported by the capabilities of other Federal and State organizations. Further information on that system may be obtained from the U.S. Atomic Energy Commission, Division of Operational Safety, Washington, D.C. 20545.

In consideration of the foregoing, 49 CFR Parts 171, 174, 175, and 177 are amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.15 paragraph (a) (3) is amended, (a) (4) is redesignated (a) (5), and a new (a) (4) is added to read as follows:

§ 171.15 Immediate notice of certain hazardous materials incidents.

(a) * * *

(3) Estimated carrier or other property damage exceeds \$50,000;

(4) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material. (See also §§ 174.588(c) (1), 175.655 (j) (3), and 177.861(a) of this chapter.) ; or

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.588, paragraph (c) (1) is amended, Note 2 is canceled as follows:

§ 174.588 Disposition of damaged or astray shipments.

(c) * * *

(1) In addition to the incident reporting requirements of §§ 171.15 and 171.16 of this chapter, the carrier must also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Vehicles, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see § 173.397 of this chapter).

NOTE 2: [Canceled]

PART 175—CARRIERS BY RAIL EXPRESS

In § 175.655, paragraph (j) (3) is amended to read as follows:

§ 175.655 Protection of packages.

(j) * * *

(3) In addition to the incident reporting requirements of §§ 171.15 and 171.16 of this chapter, the carrier must also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination

involving radioactive materials shipments. Vehicles, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see § 173.397 of this chapter).

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.861, paragraph (a) is amended to read as follows:

§ 177.861 Accidents; radioactive materials.

(a) In addition to the incident reporting requirements of §§ 171.15 and 171.16 of this chapter, the carrier must also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Vehicles, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see § 173.397 of this chapter).

This amendment is effective December 31, 1971, however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, Title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

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