



DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
WASHINGTON, D.C. 20590

21202

DEPARTMENT OF TRANSPORTATION
Research and Special Programs
Administration

49 CFR Parts 172 and 175

[Docket No. HM-149C; Notice No. 81-1]

**Air Transportation of Limited
Quantities of Low-Level Radioactive
Materials; Exemption Renewal**

AGENCY: Materials Transportation
Bureau, Research and Special Programs
Administration, D.O.T.

ACTION: Notice of proposed exemption
renewal.

SUMMARY: The Materials Transportation
Bureau (MTB) proposes to renew the
limited exemption found in 49 CFR
172.204(c)(4), 175.10(a)(6), and 175.700(c)
for air transport of small quantities of
materials exhibiting very low levels of
radiation. These materials do not
present a significant hazard to
passengers and crew of an aircraft. The
intended effect of this proposed action is
to permit continued transportation by
passenger-carrying aircraft of
radioactive materials under existing
restrictions.

DATES: Comments must be received on
or before April 17, 1981.

ADDRESS COMMENTS TO: Dockets
Branch, Research and Special Programs
Administration, U.S. Department of
Transportation, Washington, D.C. 20590.
Comments should identify the docket
and be submitted, if possible, in five
copies. The Dockets Branch is located in
Room 8426 of the Nassif Building, 400
7th Street SW., Washington, D.C. 20590.
Office hours are 8:30 a.m. to 5:00 p.m.,
Monday thru Friday. Telephone (202)
426-3148.

FOR FURTHER INFORMATION CONTACT:
Thomas Charlton, Chief, Standards
Division, Office of Hazardous Materials
Regulation, Materials Transportation
Bureau, Washington, D.C. 20590; 202-
426-2075.

SUPPLEMENTARY INFORMATION: The MTB
is proposing to renew for two years the
limited exemption found at 49 CFR
172.204(c)(4), 175.10(a)(6), and 175.700(c)
for air transportation of small quantities
of materials exhibiting very low levels
of radiation. This exemption would also
include exceptions from shipping paper
and shippers' certification requirements
for only those materials shipped as a
component part of an instrument or
manufactured article.

Conforming with Section 107 of the
Hazardous Materials Transportation
Act (49 U.S.C. 1806) governing
exemptions, the exemption in
§§ 172.204(c)(4), 175.10(a)(6), and
175.700(c) is limited to a two-year life
unless reexamined and renewed. The
exemptions were last renewed under
Docket HM-149B (44 FR 25238)
published on April 30, 1979. The legal
background and regulatory history of
these exemptions were discussed in that
amendment and the preceding notice of
proposed rulemaking (44 FR 15748,
March 15, 1979). The exemptions will
expire on May 3, 1981. MTB proposes to
renew the exemptions on the finding
that renewal is consistent with the
public interest and safety.

The MTB had determined that this
proposed regulation is consistent with
Section 2 of Executive Order 12291 and
will not result in a significant economic
impact on a substantial number of small
entities.

In consideration of the foregoing, it is
proposed to amend Parts 172 and 175 of
Title 49, Code of Federal Regulations as
follows:

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

1. In § 172.204, paragraph (c)(4) would
be revised to read as follows:

§ 172.204 Shipper's certification.

(c) * * *

(4) Radioactive material. Each person
who offers any radioactive material for
transportation aboard a passenger-
carrying aircraft shall sign
(mechanically or manually) a printed
certificate stating that the shipment
contains radioactive material intended
for use in, or incident to, research, or
medical diagnosis or treatment. Prior to
May 3, 1983, this provision does not
apply to materials meeting the
requirements of § 173.391 (a), (b), or (c)
of this subchapter in effect on May 3,
1981.

PART 175—CARRIAGE BY AIRCRAFT

2. In § 175.10, paragraph (a)(6) would
be revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(6) Prior to May 3, 1983, radioactive
materials which meet the requirements
of § 173.391 (a), (b), or (c) of this
subchapter in effect on May 3, 1981.

3. In § 175.700, paragraph (c) would be
revised to read as follows:

**§ 175.700 Special requirements for
radioactive materials.**

(c) Except as provided in this
paragraph, no person may carry aboard
a passenger-carrying aircraft any
radioactive material other than a
radioactive material intended for use in,
or incident to, research, or medical
diagnosis or treatment. Prior to May 3,
1983, this prohibition does not apply to
materials which meet the requirements
of § 173.391 (a), (b), or (c) of this
subchapter in effect on May 3, 1981.

(Authority 49 U.S.C. 1803, 1804, 1808; 49 CFR
1.53, App. A to Part 1, and paragraph (a)(4) of
Appendix A to Part 106)

Note.—The Materials Transportation
Bureau has determined that this proposed
regulation is not a major rule under the terms
of Executive Order 12291 and does not
require a Regulatory Impact Analysis, nor
does it require an environmental impact
statement under the National Environmental
Policy Act (42 U.S.C. 4321 et seq.). A
regulatory evaluation and an environmental
assessment are available for review in the
Docket. It is certified that this proposed regulation,
if published as a final rule, will not have a
significant economic impact on a substantial
number of small entities.

Issued in Washington, D.C. on April 2, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous
Materials Regulation, Materials
Transportation Bureau.

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DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
WASHINGTON, D.C. 20590

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**Research and Special Programs
Administration, Materials
Transportation Bureau**

49 CFR Parts 172 and 175

[Docket No. HM-149C; Amdt. Nos. 172-67,
175-19]

**Air Transportation of Limited
Quantities of Radioactive Materials;
Exemption Renewal**

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

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau (MTB) is renewing the exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transport of limited quantities of materials exhibiting low levels of radiation. These materials do not present a significant hazard to passengers and crew on an aircraft. The effect of this action is to permit continued transportation by passenger-carrying aircraft of radioactive materials under existing restrictions.

EFFECTIVE DATE: May 3, 1981.

ADDRESS: Copies of supporting documents and the Draft Regulatory Evaluation and Environmental Assessment are available for inspection and reproduction at the following address: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590. Telephone (202) 426-2075.

SUPPLEMENTARY INFORMATION: The MTB published a Notice of Proposed Exemption Renewal on April 9, 1981 (46 FR 21202) seeking public comment on the proposed renewal for two years of the exemption found at 49 CFR 172.204(c)(4), 175.10(a)(6) and 175.700(c) for air transportation of limited quantities of materials exhibiting low levels of radiation. The period for submitting comments ended on April 17, 1981, during which MTB received three

comments concerning the proposal. All comments support the renewal of this exemption.

Conforming with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemption in §§ 172.204(c)(4), 175.10(a)(6) and 175.700(c) is limited to a two-year life unless reexamined and renewed. The exemptions were last renewed under Docket HM-149B (44 FR 25238) published on April 30, 1979. The legal background and regulatory history of these exemptions are discussed in that amendment and the preceding notice of proposed rulemaking (44 FR 15748, March 15, 1979). The present exemption expires on May 3, 1981. The MTB is renewing the exemption on the finding that renewal is consistent with the public interest and safety.

In consideration of the foregoing, Parts 172 and 175 of Title 49, Code of Federal Regulations are amended as follows:

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

1. In § 172.204, paragraph (c)(4) is revised to read as follows:

§ 172.204 Shipper's certification

* * * * *

(c) * * *

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this provision does not apply to materials meeting the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1981.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

2. In § 175.10, paragraph (a)(6) is revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(6) Prior to May 3, 1983, radioactive materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

* * * * *

3. In § 175.700, paragraph (c) is revised to read as follows:

§ 175.700 Special limitations and requirements; radioactive materials packages in passenger-carrying aircraft.

* * * * *

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

Authority 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1, and paragraph (a)(4) of Appendix A to Part 106.

Note.—The Materials Transportation Bureau has determined that this regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A draft regulatory evaluation and environmental assessment is available for review in the Docket. Based on limited information available concerning size and nature of entities likely to be affected by these amendments, I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entities. These amendments will not affect not-for-profit enterprises, or small governmental jurisdictions. Small businesses potentially affected include light manufacturing, air carriers, wholesale traders, health services, and research and development services. The total number of such small entities affected is likely to be less than 100,000. The economic impact on such small entities will be positive.

Issued in Washington, D.C. on April 24, 1981.

L. D. Santman,
Director, Materials Transportation Bureau.

[FR Doc. 81-12888 Filed 4-29-81; 8:45 am]

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