

4. In view of the above, *it is ordered*, that the rule amendment set forth in the attached Appendix is adopted effective February 8, 1980.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.  
R. D. Lichwardt,  
*Executive Director.*

**Appendix**

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

**PART 87—AVIATION SERVICES**

1. In § 87.455, paragraph (b)(2) is amended to read as follows:

**§ 87.455 Assignment of frequencies.**

\* \* \* \* \*

(b) \* \* \*  
(2) The following frequencies are available for assignment to aeronautical fixed stations in Alaska. These frequencies will be authorized only in conjunction with authorizations for use of the aeronautical enroute frequencies specified in 87.297(a).

Frequencies available:

kHz	kHz
2049.5	5311.5
4045	5883
4049	8016.5
5124	

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**DEPARTMENT OF TRANSPORTATION**

Research and Special Programs Administration

**49 CFR Part 175**

[Docket No. HM-168; Amdt. No. 175-11]

**Aircraft Accessibility Requirements for Radioactive Materials**

**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** This amendment changes the accessibility requirements pertaining to the transportation of radioactive materials aboard cargo-only aircraft. Prior to this amendment, radioactive materials in quantities acceptable only for cargo-only aircraft were required by § 175.85(b) to be carried in a location accessible to a crewmember during flight. This amendment revises

§ 175.85(b) to permit the carriage of radioactive materials in inaccessible locations. The change represents part of the MTB's efforts to keep crewmember exposure to radioactive materials as low as reasonably achievable (ALARA). It also facilitates the transportation of plutonium by air in a specially designed, highly crash resistant packaging (PAT-1) which, as a condition of its carriage, must be carried in the aftermost location on an aircraft which is often inaccessible.

**EFFECTIVE DATE:** January 31, 1980.

**FOR FURTHER INFORMATION CONTACT:** R. R. Rawl, Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590, (202) 426-2311.

**SUPPLEMENTARY INFORMATION:** On December 11, 1978, the MTB published a Notice of Proposed Rulemaking (Docket HM-168; Notice 78-13; 43 FR 57928) which contained proposals to amend certain regulations pertaining to the transportation of hazardous materials aboard aircraft. One proposal in Notice 78-13 was to exclude certain classes of materials from the accessibility requirements of § 175.85. Even though the final rule under Docket HM-168 will be published in the near future, the MTB believes it should immediately address the issue of accessibility requirements for radioactive materials. This amendment is concerned solely with an exclusion from accessibility requirements for radioactive materials.

Six commenters in Docket HM-168 specifically addressed the proposal to except certain classes of materials from accessibility requirements and all comments were favorable. Therefore, the proposal is considered noncontroversial and, with respect to radioactive materials, is adopted in this amendment. To effect the change, the phrase "Except for radioactive materials, . . ." has been added to the introductory sentence of paragraph (b) of § 175.85. The MTB has elected to proceed expeditiously in this matter for several reasons. The requirement that radioactive materials be accessible is not in keeping with good radiation protection principles the MTB's stated objectives regarding radioactive materials, nor the proposed (42 FR 37427) segregation requirements in Docket HM-152.

Good radiation protection principles dictate that exposures be kept "As Low As Reasonably Achievable" (ALARA) and it is reasonable to load packages of radioactive materials as far as practical from crewmembers. Requiring

accessibility has negligible safety value since there is little or nothing a crew could or should do to mitigate leakage from a radioactive materials package. The MTB is working to incorporate the ALARA principle into its regulations and this rulemaking is a step in that direction. Also, the requirements proposed in Docket HM-152 for the segregation of radioactive materials packages would be difficult to achieve on modern aircraft if the packages were required to be accessible.

Furthermore, recent actions by Congress, the Nuclear Regulatory Commission and the Department of Energy require that plutonium be carried on aircraft only in a highly crash resistant packaging (PAT-1). Due to certain crash associated conditions, specifically longitudinal crush, the PAT-1 package is restricted to the aftermost location of an aircraft. This requirement, when coupled with the previous requirement for accessibility of the package, essentially thwarted the carriage of plutonium by air.

Primary drafters of this document are R. R. Rawl and E. T. Mazzullo of the Office of Hazardous Materials Regulation, MTB.

In consideration of the foregoing, 49 CFR Part 175 is amended as follows:

In § 175.85, the first sentence of paragraph (b) is revised to read as follows:

**§ 175.85 Cargo location**

\* \* \* \* \*

(b) Except for radioactive materials, each person carrying materials acceptable only for cargo-only aircraft shall carry those materials in a location accessible to a crewmember during flight. \* \* \*

\* \* \* \* \*

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

**Note.**—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor require 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.

Issued in Washington, D.C. on January 22, 1980.

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

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