



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

[49 CFR Part 173]

[Docket No. HM-2, Notice 69-14]

SHIPPERS

Packaging of Certain Radioactive Materials

The Hazardous Materials Regulations Board is considering amending §§ 173.394 and 173.395 of the Hazardous Materials Regulations to simplify the procedures for obtaining approval of packaging for Type B quantities and large quantities of both special form and normal form radioactive materials.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before July 22, 1969, will be considered by the Board before taking final action on the notice. All comments will be available for examination by interested persons at the Office of the Secretary of the Board both before and after the closing date for comments. The proposals contained in this notice may be changed in light of comments received.

Amendment 173-3 (Docket HM-2) contained a major revision of the requirements for packaging of radioactive materials. One part of that revision was the adoption of what are in effect performance type packaging requirements for certain types of radioactive materials. Section 173.398(c) contains the "Type B" packaging requirements. However, notwithstanding the adoption of these performance type requirements, the Board required that before Type B quantities or large quantities of special form or normal form radioactive materials could be shipped, the packaging must be approved by the Department. In the case of large quantities the Type B packaging must also meet either the U.S. Atomic Energy Commission standards or the 1967 regulations of the International Atomic Energy Agency. The regulations further specify that the Departmental approval of large quantity packaging must be issued under Part 170 of the Department's regulations (i.e., a special permit). As a matter of practice all approvals, whether for Type B quantities or for large quantities, have been treated as requests for special permits.

Upon a review of the procedure for handling the above described approvals, the Board has concluded that it is in-

appropriate to continue treating requests of this type as requests for special permits since in fact no exception from the Hazardous Materials Regulations is involved. What is involved is a review by the Department's Office of Hazardous Materials (in cooperation with the U.S. Atomic Energy Commission) of whether in fact the proposed packaging complies with the performance specification requirements of § 173.398. The document issued by the Department is in effect a statement to the effect that the Department agrees that a certain described packaging is for certain stated contents consistent with the Department's regulations. In view of the recommended International Atomic Energy Agency requirement that for international shipments the "national competent authority" certify (with an identifying symbol) as to the packaging adequacy and that the package be so marked, the Board believes that the required approval should take the form of a "Certificate of Approval" with an identifying number. Thus persons who obtain such approval will be assured that they can comply with international requirements in those countries that have adopted the above described recommended practice.

In addition, certain requirements now routinely included in special permits would be made a part of the regulations, such as prior notifications by the shipper and special unloading instructions.

In consideration of the foregoing it is proposed to amend Part 173 of the Hazardous Materials Regulations as follows:

1. By adding a new paragraph (b) to § 173.22 to read as follows:

§ 173.22 Shipper's responsibility.

(b) Prior to each shipment of fissile radioactive materials, and Type B, or large quantities of radioactive materials, the shipper shall notify the consignee of the dates of shipment and expected arrival. The shipper shall also notify each consignee of any special loading/unloading instructions prior to his first shipment.

2. By amending paragraphs (b) (3) and (c) (2) of § 173.394 to read as follows:

§ 173.394 Radioactive material in special form.

(b) * * *

(3) Any Type B packaging which has been certified by the Department as meeting the pertinent requirements for Type B packaging for specific contents.

(c) * * *

(2) Any Type B packaging which meets the standards in the regulations of either the U.S. Atomic Energy Commission (Title 10, Code of Federal Regula-

tions, Part 71) or the International Atomic Energy Agency (1967 edition), and which has been certified by the Department as meeting the pertinent requirements for packaging for large quantities for specific contents. In applying for Departmental certification of packages of large quantities, a copy of the U.S. Atomic Energy Commission license amendment or other approval may be accepted in place of the package structural integrity evaluation.

3. By amending paragraphs (b) (2) and (c) (2) of § 173.395 to read as follows:

§ 173.395 Radioactive material in normal form.

(b) * * *

(2) Any Type B packaging which has been certified by the Department as meeting the pertinent requirements for Type B packaging for specific contents.

(c) * * *

(2) Any Type B packaging which meets the standards in the regulations of either the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the International Atomic Energy Agency (1967 edition), and which has been certified by the Department as meeting the pertinent requirements for packaging for large quantities for specific contents. In applying for Departmental certification of packages of large quantities, a copy of the U.S. Atomic Energy Commission license amendment or other approval may be accepted in place of the package structural integrity evaluation.

This amendment is proposed under the authority of sections 831-835 of title 18 of the United States Code, section 9 of the Department of Transportation Act, and title VI and section 902(h) of the Federal Aviation Act (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on May 20, 1969.

F. C. TURNER,
Administrator,
Federal Highway Administration.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

C. P. MURPHY,
Rear Admiral, U.S. Coast Guard,
by direction of Commandant,
U.S. Coast Guard.

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