



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

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[49 CFR Parts 171, 174, 175, 177]
TRANSPORTATION OF HAZARDOUS
MATERIALS

[Docket No. HM-36; Notice No. 71-22]

Reports on Incidents Involving
Radioactive Materials

On October 31, 1970, the Hazardous Materials Regulations Board published new hazardous materials incident reporting requirements under Docket No. HM-36 (35 F.R. 16836 and 16837). The purpose of the amendments to the Department's Hazardous Materials Regulations was to establish uniform reporting requirements for incidents occurring as a direct result of hazardous materials in transportation.

Regulations for the reporting of incidents involving shipments of radioactive materials have been in effect for more than 2 years, requiring immediate reports by the carrier to the shipper and to the Department. The purpose of these proposed amendments to §§ 171.15, 174.588, 175.655, and 177.861 is to make the reporting requirements for incidents involving radioactive materials consistent with the more recent general reporting requirements established.

The Board is also of the opinion that the requirement for reporting based on "unusual delay" involving radioactive material shipments should be deleted from §§ 174.588(c) (1), 175.655(j) (3), and 177.861(a). Experience and comments from carriers have indicated that the term lacks precision and is subject to serious variance in interpretation. The Board believes that the requirements in § 171.15(a) (4) which provide for reporting on a judgment basis, are sufficient to include situations involving unusual delay.

A new reporting criterion is proposed to be added to §§ 171.15(a), 174.588(c) (1), 175.655(j) (3), and 177.861(a) relating to incidents involving "suspected radioactive contamination". When compared to other hazardous material hazards, radiation hazards present a special problem in detection. Radiation cannot be detected by the senses, but must be observed by the means of special measuring or detection instruments. For this reason, the Board believes that immediate notification should be made whenever a carrier suspects radioactive contamination.

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

I. Part 171:

In § 171.15, subparagraph (a) (5) would be added to read as follows:

§ 171.15 Immediate notice of certain hazardous materials incidents.

(a) * * *

(5) 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.)

II. Part 174:

In § 174.588, subparagraph (c) (1) would be amended to read 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 § 173.399 of this chapter). (Notes 1 and 2 remain the same.)

III. Part 175:

In § 175.655, subparagraph (j) (3) would be 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 § 173.399 of this chapter). (Notes 1 and 2 remain the same.)

IV. Part 177:

In § 177.861, paragraph (a) would be 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 § 173.399 of this chapter). (Notes 1 and 2 remain the same)

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington DC 20590. Communications received on or before August 31, 1971 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary Hazardous Materials Regulations Board both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18 United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

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