



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

[ 49 CFR Part 173 ]

[Docket No. HM-73; Notice 71-1]

TRANSPORTATION OF HAZARDOUS MATERIALS

Design Approvals for Radioactive Materials Packages

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to transfer the administrative requirements for approvals of radioactive materials packages from the Department to the U.S. Atomic Energy Commission (USAEC).

At the present time, the Department issues special permits for radioactive materials packages which meet the Department's performance standards but which are not among the limited number of specification packagings prescribed for radioactive materials in the regulations. In most instances, the USAEC performs detailed safety evaluations to determine whether a petitioner's package design in fact meet the Department's performance standards. As a result, the Department's special permits are often only duplicative paperwork incorporating the USAEC approval by reference. The Board has concluded that it would be in the public interest to eliminate this duplicative ministerial requirement. This would reduce the administrative burden on both the nuclear industry and the Department, without adversely affecting the safe transport of radioactive materials. The USAEC has agreed to this procedure.

Under this change in procedure, special permits would only be issued by the Department in those cases where it is necessary and appropriate to provide an exemption or waiver of the regulations. Petitioners for routine package approvals would apply directly to the USAEC for package review, evaluation, and approval. The procedures for obtaining USAEC approval are contained in the regulations of the USAEC (10 CFR Part 71) for USAEC licensees, and in USAEC Manual Chapter 0529 for USAEC prime operating contractors. Specific procedures for USAEC approval of Type B packages are being developed at this time. Provisions would be made for continuation of the existing special permits until their date of expiration as well as for establishment of a package numbering/identification system. The Office of Hazardous Materials of the Department would continue to issue certificates of competent authority under IAEA regulations.

The Board believes that this proposal would effectively reduce delays in granting package approval without adversely affecting safety in transportation.

In consideration of the foregoing, it is proposed to amend 49 CFR 173.394, 173.395, and 173.396 as follows:

(A) In § 173.394 paragraphs (b) (3) and (c) (2) would be amended; paragraphs (b) (4) and (c) (3) would be added to read as follows:

§ 173.394 Radioactive material in special form.

\* \* \* \* \*

(3) Any other Type B packaging approved by the U.S. Atomic Energy Commission.

(4) Any other Type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which an appropriate Certificate has been issued by a foreign competent authority.

(c) \* \* \*

(2) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department.

(B) In § 173.395 paragraphs (b) (2) and (c) (2) would be amended; paragraphs (b) (3) and (c) (3) would be added to read as follows:

§ 173.395 Radioactive material in normal form.

\* \* \* \* \*

(2) Any other Type B packaging approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements in the 1967 regulations of the International Atomic Energy Agency, and for which an appropriate Certificate has been issued by a foreign competent authority.

(c) \* \* \*

(2) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the regulations of the U.S.

Atomic Energy Commission (10 CFR Part 71) and is approved by the U.S. Atomic Energy Commission.

(3) Any other Type B packaging which meets the pertinent requirements for large quantities of radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department.

(C) In § 173.396 paragraphs (b) (4) and (c) (3) would be amended; paragraphs (b) (5) and (c) (4) would be added; paragraph (d) and note following would be canceled as follows:

§ 173.396 Fissile radioactive material.

\* \* \* \* \*

(4) Any other Type A or B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

(5) Any other Type A or B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department.

(c) \* \* \*

(3) Any other Type B packaging which also meets the standards for packaging for fissile radioactive materials in the regulations of the U.S. Atomic Energy Commission (10 CFR Part 71), and is approved by the U.S. Atomic Energy Commission.

(4) Any other Type B packaging which also meets the pertinent requirements for fissile radioactive materials in the 1967 regulations of the International Atomic Energy Agency, and for which the foreign competent authority Certificate has been revalidated by the Department.

(d) [Canceled]

NOTE: [Canceled]

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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, D.C. 20590. Communications received on or before March 10, 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. 1421-143 and 1472(h)).

Issued in Washington, D.C., on January 4, 1971.

W. M. BENKERT,  
*Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.*

CARL V. LYON,  
*Acting Administrator, Federal Railroad Administration.*

KENNETH L. PIERSON,  
*Acting Director, Bureau of Motor Carrier Safety, Federal Highway Administration.*

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

[F.R. Doc. 71-254; Filed, Jan. 7, 1971;  
8:47 a.m.]