

Title 14—Aeronautics and Space  
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 11558, Amdt. 103-14]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Large Quantity and Fissile Class III Radioactive Materials

The purpose of these amendments to Part 103 of the Federal Aviation Regulations is to restrict the transportation of large quantity sources of radioactive materials aboard passenger-carrying aircraft and to prescribe special requirements for air transportation of fissile class III radioactive materials.

This amendment is related to the amendment of the Hazardous Materials Regulations in Docket No. HM-73; Amendment Nos. 171-17, 173-69, 174-16, 175-9, 177-23 published on page 4396 of this issue and is based on a notice of proposed rule making, Docket No. 11558; Notice No. 71-39, published in the FEDERAL REGISTER on November 20, 1971 (36 FR 22181). That notice was issued concurrently with a notice issued by the Hazardous Materials Regulations Board. The Board's evaluation of the comments received is discussed in detail in the Docket No. HM-73 document published in this issue. On the basis of the reasons stated therein, the Federal Aviation Administration has decided to amend Part 103 of the Federal Aviation Administration regulations.

The quantity limitations imposed in new paragraph (d) to § 103.19 limit the amount of radioactive material that can be carried aboard a passenger-carrying aircraft to an amount, not to exceed a "large quantity" as defined in 49 CFR 173.389(b). For purposes of clarification, it should be pointed out that a "large quantity" is sometimes referred to as a "large radioactive source" by certain shippers.

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective June 30, 1973, as follows:

1. By amending the table of contents by adding a new § 103.24 immediately following § 103.23 to read as follows:

Sec.  
103.24 Special requirements for fissile class III radioactive materials

2. By adding a new paragraph (d) to § 103.19 to read as follows:

§ 103.19 Quantity limitations.

(d) No person may carry aboard a passenger-carrying aircraft any package of radioactive material which contains a large quantity (large radioactive source) of radioactivity (as defined in 49 CFR 173.389(b)), except as specifically approved by the Administrator.

3. By adding a new § 103.24 immediately following § 103.23 to read as follows:

§ 103.24 Special requirements for fissile class III radioactive materials.

(a) No person may carry aboard any aircraft any package of fissile class III radioactive material (as defined in 49 CFR 173.389(a)(3)), except as follows:

(1) On a cargo-only aircraft which has been assigned for the sole use of the consignor for the specific shipment of fissile radioactive material. Instructions for such sole use must be provided for in special arrangements between the consignor and carrier, with instructions to that effect issued with shipping papers; or

(2) On any aircraft on which there are no other packages of radioactive material required to bear one of the "radioactive" labels described in 49 CFR 173.414. Specific arrangements must be effected between the shipper and carrier, with instructions to that effect issued with the shipping papers; or

(3) In accordance with any other procedure specifically approved by the Administrator.

(Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h), 1665(c))

Issued in Washington, D.C., on February 2, 1973.

JAMES F. RUDOLPH,  
Board Member for the  
Federal Aviation Administration.

(As published in the Federal Register [38 F.R. 4389] on February 14, 1973)

*Not Not*