

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Adminis- tration, Department of Transporta- tion

[Docket No. 9938; Amdt. 103-8]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAG- NETIZED MATERIALS

Reports of Hazardous Materials Incidents

The purpose of this amendment to Part 103 of the Federal Aviation Administration's regulations is to establish uniform hazardous materials incidents reporting requirements for aviation incidents consistent with those being established concurrently for the other modes of transportation.

This amendment is based on a notice of proposed rule making, Docket No. 9938; Notice No. 69-48, published in the FEDERAL REGISTER on October 29, 1969 (34 F.R. 17449). That notice was issued concurrently with separate notices issued by the U.S. Coast Guard, the Federal Railroad and the Federal Highway Administrations. The Hazardous Materials Regulations Board's evaluation of the comments received in response to all the notices is discussed in detail in the document published on page 16836 of this issue. For the reasons stated therein, the Federal Aviation Administration Administrator has decided to amend Part 103 of the Federal Aviation Administration regulations as follows:

§ 103.27 [Amended]

1. Section 103.27 is amended by deleting the last sentence.
2. Section 103.28 is added to read as follows:

§ 103.28 Reporting certain dangerous article incidents.

(a) Each carrier who transports dangerous articles shall report to the nearest ACDO, FSDO, GADO or other FAA facility by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading or temporary storage) in which as a direct result of any dangerous article—

- (1) A person is killed;
- (2) A person receives injuries requiring his hospitalization;

(3) Estimated carrier or other property damage, or both, exceeds \$50,000; or

(4) A situation exists of such a nature that, in the judgment of the carrier, it should be reported to the Department even though it does not meet the criteria of subparagraphs (1), (2), or (3) of this paragraph, e.g., a continuing danger to life exists at the scene of the incident.

(b) The following information shall be furnished in each report required by this section:

- (1) Name of reporting person.
- (2) Name and address of carrier represented by reporter.
- (3) Phone number where reporter can be contacted.
- (4) Date, time, and location of incident.
- (5) The extent of the injuries, if any.
- (6) Classification, name, and quantity of the dangerous article involved and whether a continuing danger to life exists at the scene.

(c) Each carrier who transports hazardous materials shall report in writing in duplicate on DOT Form F 5800.1, within 15 days of the date of discovery, each incident that occurs during the course of transportation (including loading, unloading, or temporary storage) in which, as a direct result of the hazardous materials, any of the circumstances set forth in paragraph (a) of this section occurs or there has been an unintentional release of hazardous materials from a package (including a portable tank). Each carrier making a report under this section shall send that report to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590, with a separate copy to the FAA facility indicated in paragraph (a) of this section.

This amendment is effective December 31, 1970.

This amendment is made under the authority of title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)).

Issued in Washington, D.C. on October 27, 1970.

SAM SCHNEIDER,
Board Member for the
Federal Aviation Administration.

[F.R. Doc. 70-14706; Filed, Oct. 30, 1970;
8:51 a.m.]

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