

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

[Docket No. 12040; Amdt. No. 103-21]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIC MATERIALS

Reporting Certain Dangerous Article Incidents

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to permit certificate holders under Parts 121, 127, and 135 of the Federal Aviation Regulations an option regarding the place to which they may report certain incidents involving dangerous articles.

This amendment is based on a notice of proposed rule making (Notice No. 73-17) published in the *FEDERAL REGISTER* on June 7, 1973 (38 FR 14963). Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to the comments received in response to that notice. This amendment and the reasons therefor are the same as those contained in notice 73-17.

Of the three comments received in response to the Notice, only one opposed the rule change based on the belief that the nearest FAA facility should be notified immediately of any unintentional release of hazardous materials to insure that appropriate immediate requirements are implemented. As was noted in notice 73-17, however, it appears that, in some instances, the objective of immediate notification may be more effectively achieved if certificate holders under Parts

121, 127, and 135 are permitted to report to the FAA District Office holding the carrier's operating certificate and charged with the overall inspection of the certificate holder's operations. Accordingly, § 103.28 is amended herein to permit certificate holders under Parts 121, 127, and 135 such an option.

This amendment is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, § 103.28 of the Federal Aviation Regulations is amended, effective April 22, 1974, to read as follows:

§ 103.28 Reporting certain dangerous article incidents.

(a) Each carrier that transports dangerous articles shall report to the nearest ACDO, FSDO, GADO, or other FAA facility, except that in lieu of reporting to the nearest of those facilities a certificate holder under Part 121, 127, or 135 of this chapter may report to the FAA District Office holding the carrier's operating certificate and charged with overall inspection of its operations, 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—

• • • • •
Issued in Washington, D.C., on
March 14, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

(As published in the Federal Register
[39 F.R. 11087] on March 25, 1974)

FS-72-382-P

