

**Research and Special Programs Administration****[Notice No. 96-7]****Guidance for Radiation Protection Programs; Request for Comments****AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Request for comments.

**SUMMARY:** RSPA is developing guidance for the radioactive material industry to facilitate compliance with the radiation protection program requirements of the Hazardous Materials Regulations which go into effect on October 1, 1997. Through this notice, RSPA is requesting public comments on the implementation of the radiation protection program requirements.

**DATES:** Comments are requested by May 31, 1996.

**ADDRESSES:** Please address written comments to the Dockets Unit (DHM-30), Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001. Comments may also be faxed to (202) 366-3753. The Dockets Unit is located in room 8421 of the Nassif Building, 400 Seventh Street SW, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, except on public holidays, when the office is closed.

**FOR FURTHER INFORMATION CONTACT:** Dr. Fred D. Ferate II, (202) 366-4545, Office of Hazardous Materials Technology, RSPA, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:****Background**

On September 28, 1995, RSPA published a final rule under Docket HM-169A (60 FR 50292) which added to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) a requirement that persons who offer for transportation, accept for transportation, or transport radioactive materials must develop, implement and maintain a written radiation protection program. The effective date of this requirement is October 1, 1997. A radiation protection program must be structured such that the following requirements are met:

(a) Radiation exposures are kept as low as reasonably achievable (ALARA), taking into account economic and social factors.

(b) Radiation exposures are controlled so that:

(1) An occupationally exposed hazmat employee's annual effective dose

equivalent for occupational radiation exposure may not exceed 12.5 mSv (1.25 rem) in any 3-month period or 50 milliseiverts (mSv) (5 millirem (rem)) in any 12-month period. Corresponding limits for workers under the age of 18 are 10% of the above amounts;

(2) Radiation exposures to members of the general public must be less than 0.02 mSv (2 mrem) in any one hour period, 1.0 mSv (100 mrem) in one week, or 5.0 mSv (500 mrem) in any 12-month period;

(3) The radiation dose to an unborn child of an occupationally exposed female hazmat worker who has declared her pregnancy to her employer may not exceed 5.0 mSv (500 mrem) during the pregnancy, or 0.5 mSv (50 mrem) in any one month; and

(4) the radiation doses received by occupationally exposed hazmat employees must be monitored by radiation dosimetry devices.

Exceptions to the radiation protection program requirement were provided for persons who already have in place a radiation protection program that has been approved by an appropriate Federal or State agency; persons who offer for transportation or transport less than 200 TI (transport index; see 49 CFR 173.403 for the technical definition) of packages in a 12-month period; and persons whose operations will not result in a hazmat employee receiving an exposure of 5 mSv (500 mrem) or more per year. To be able to claim the last exception, a qualified radiation protection specialist must evaluate the doses that workers might receive during a period of one year while handling radioactive materials during shipping, receiving or transportation, and be able to document that no worker would be expected to receive a dose of 5 mSv (500 mrem) or more in one year.

The final rule requires conformance with guidance in the Environmental Protection Agency report entitled "Radiation Protection Guidance to Federal Agencies for Occupational Exposure (January 1987)." Other recommended radiation protection program guidance includes National Council on Radiation Protection and Measurements (NCRP) Report No. 59, "Operational Radiation Safety Program (1978)" and NCRP Report No. 116, "Limitation of Exposure to Ionizing Radiation (1993)."

Records which must be maintained by a hazmat employer with a radiation protection program include a written description of the program, written records of the program activities, and dosimetry records. Records must be kept of the radiation dose received by each hazmat employee, and information

concerning the dose must be provided to the employee within a reasonable time after he or she requests it, and no more than three months after termination of employment.

Records must also be maintained by excepted organizations, showing that the total package TI in any 12-month period is less than 200, or that current radioactive materials transport activities are the same as the activities that were reviewed by a competent radiation protection specialist who found that no worker would receive a dose exceeding 5 mSv (500 mrem) in one year.

The Department of Transportation intends to issue guidance on the requirement for developing, implementing, and maintaining a radiation protection program, or on means for an organization to demonstrate that it is exempt from doing so. In order to take into account any concerns or suggestions of interested parties, this notice solicits public comment on the implementation of the above requirements.

**Request for Comments**

Issues which a reader may wish to address in his or her comments could include:

(1) The nature and extent of radioactive material transportation activities within the commentor's organization or other identified organization.

(2) The criteria which should be used to identify which persons, or which organizational units would be subject to the dosimetry requirement of the radiation protection program.

(3) The qualifications of the evaluator for determining whether an organization is exempt from establishing a radiation protection program on the basis that no hazmat employee will receive more the 5 mSv (500 mrem) in a year.

(4) Appropriate methods for determining or estimating dose to the public.

(5) Needed clarification of radiation protection program requirements, or statements about the operational problems that the commentor anticipates as a result of the radiation protection program requirements.

(6) Other issues and concerns related to radiation protection.

Issued in Washington, DC on April 10, 1996.

Alan I. Roberts,  
*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 96-9556 Filed 4-18-96; 8:45 am]

BILLING CODE 4910-60-P

## Surface Transportation Board

[Finance Docket No. 30186 (Sub No. 2)]

### Tongue River Railroad Company—Construction and Operation of an Additional Rail Line From Ashland to Decker, in Rosebud and Big Horn Counties, Montana

The Tongue River Railroad Company (TRRC) applied to the Interstate Commerce Commission (ICC), now the Surface Transportation Board (Board),<sup>1</sup> for authority to construct and operate a 41-mile rail line from a point south of Ashland, MT to a point near Decker, MT. The ICC's Section of Environmental Analysis (SEA) began the environmental analysis of this proposal, considering the potential environmental impacts associated with TRRC's preferred route, the Four Mile Creek Alternative, and a "no build" alternative. SEA completed a Draft Environmental Impact Statement (served July 17, 1992) and a Supplemental Draft Environmental Impact Statement (served March 17, 1994).

The Board's SEA has now completed the environmental review process, and its conclusions are discussed in the Final Environmental Impact Statement (FEIS). SEA concludes that the Four Mile Creek Alternative would be environmentally preferable to the TRRC preferred route if the Board grants TRRC's proposal, because it would avoid the environmentally sensitive Tongue River Canyon. With the recommended mitigation, construction and operation of that route should meet applicant's project goals of providing more efficient service to coal shippers in this area, without having an unduly severe impact on the environment. The "no build" alternative, while environmentally benign, would not meet those objectives.

Copies of the FEIS have been served on representative individuals and agencies. Also, two copies are available for review at the Rosebud County Library, Forsyth, MT. For additional information about the FEIS, please contact: Elaine K. Kaiser, Chief, Section of Environmental Analysis, or Dana White at (202) 927-6213.

Copies of the FEIS are available to all persons for a fee through DC News and

Data Inc. at (202) 289-4357, (assistance for the hearing impaired is available through TDD services (202) 927-5721) or by pickup from Room 2229, 1201 Constitution Avenue, NW, Washington, DC 20423. Because of limited resources, we are no longer able to make additional copies available at no cost.

Date made available to the public: April 11, 1996.

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis, Office of Economic and Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 96-9227 Filed 4-18-96; 8:45 am]

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## Surface Transportation Board<sup>1</sup>

[STB Docket No. AB-6 (Sub-No. 376X)]

### Burlington Northern Railroad Company—Abandonment Exemption—in Saline County, NE

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 22.91 miles of its line of railroad between milepost 0.33 near DeWitt and milepost 23.26 near Tobias, including the stations of Swanton at milepost 8.3, and Western at milepost 15.6 in Saline County, NE.<sup>2</sup>

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

<sup>2</sup> BN has proposed a consummation date for the abandonment that is four months from the date of filing of its verified notice. This proposed consummation date is based on BN's reading of 49 U.S.C. 10904. The first sentence of 10904(c) provides, "Within 4 months after an application is filed under section 10903, any person may offer to subsidize or purchase the railroad line that is the subject of such application."

The Board recently addressed this provision in proposing revised abandonment regulations to implement 49 U.S.C. 10903-04, as established by the ICC Termination Act. In *Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903*, STB Ex Parte No. 537 (STB served Mar. 15, 1996) slip op. at 10 [61 FR 11174, 11176 (Mar. 19, 1996)], the Board said, "We see the 4-month statutory deadline as an outer limit, which does not require us to delay resolution of proceedings where the entire time is not needed."

Based on the Board's statement, the exemption in this proceeding will be scheduled to become effective on May 21, 1996, or 50 days after BN's filing of its verified notice of exemption. This is consistent with the existing rules at 49 CFR 1152.50. Offers of financial assistance will be due according to deadlines established in this notice. Potential offerors will *not* have until 4 months after

BN has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted from the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 21, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>5</sup> must be filed by April 29, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 9, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Sarah J. Whitley, General

the notice was filed by BN with the Board to make an offer of financial assistance.

While the exemption is scheduled to take effect on May 21, 1996, BN may of course delay consummation until a later date.

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>5</sup> The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), enacted December 29, 1995, and effective January 1, 1996 abolished the Interstate Commerce Commission and transferred certain rail proceedings to the Surface Transportation Board (Board) if they involve functions retained by the Act. This proceeding concerns a function, authorization of rail construction under 49 U.S.C. 10901, that has been transferred to the Board.