

## Bureau of Indian Affairs, Interior

## § 170.906

22. Paying the cost of closing of transportation facilities due to safety or other concerns.

23. Maintaining airport runways, heliport pads, and their public access roads.

24. Maintaining and operating BIA public ferry boats.

25. Making highway alignment changes for safety reasons. These changes require prior notice to the Secretary.

26. Making temporary highway alignment or relocation changes for emergency reasons.

27. Maintaining other IRR intermodal transportation facilities provided that there is a properly executed agreement with the owning public authority within available funding.

### Subpart H—Miscellaneous Provisions

#### HAZARDOUS AND NUCLEAR WASTE TRANSPORTATION

#### **§ 170.900 What is the purpose of the provisions relating to transportation of hazardous and nuclear waste?**

Sections 170.900 through 170.907 on transportation of nuclear and hazardous waste are provided for information only, they do not create any legal responsibilities or duties for any person or entity, and are not intended to create any basis for a cause of action under the Federal Tort Claims Act.

#### **§ 170.901 What standards govern transportation of radioactive and hazardous materials?**

DOT, the International Atomic Energy Agency, the U.S. Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency have established standards and regulations for the shipment of radioactive and hazardous materials. Legal authority includes, but is not limited to, 23 U.S.C. 141; 23 U.S.C. 127; 49 CFR parts 107, 171–180; 10 CFR part 71.

#### **§ 170.902 What is the role of State, tribal, and local governments?**

State, tribal, and local governments typically provide for the safety of their residents and other persons and protection of resources within their jurisdictions. With respect to radioactive and hazardous materials, some State, tribal, and local governments enact legislation, execute cooperative agree-

ments, designate alternate transportation routes, develop emergency response plans, perform emergency response, issue permits, conduct vehicle inspections, enforce traffic laws, and perform highway construction and maintenance. These activities must not conflict with Federal laws and regulations.

#### **§ 170.903 Who notifies tribes of the transport of radioactive waste?**

The Department of Energy (DOE) has elected, by policy, to notify tribes of DOE shipments through their jurisdiction.

#### **§ 170.904 Who responds to an accident involving a radioactive or hazardous materials shipment?**

Tribal, Federal, local, and State police, fire departments, and rescue squads are often the first to respond to transportation accidents involving radioactive or hazardous materials. If radioactive materials are involved, DOE typically:

(a) Ensures that appropriate State and tribal agencies are contacted and coordinate any necessary Radiological Assistance Program team activities; and

(b) Dispatches a Radiological Assistance Program team that may include nuclear engineers, health physicists, industrial hygienists, public affairs specialists, and other personnel who provide related services.

#### **§ 170.905 How can tribes obtain training in handling hazardous material?**

(a) Tribes cannot use IRR Program funds to train personnel to handle radioactive and hazardous material.

(b) Tribes can seek training from DOE, EPA, NRC, OSHA, States, and other sources. Funding is available from DOT under the Hazardous Materials Uniform Safety Act, EPA for monitoring and FEMA for general preparedness.

#### **§ 170.906 Who cleans up radioactive and hazardous material spills?**

The carrier is typically responsible for cleanup of a radioactive or hazardous material spill with assistance from the shipper using established