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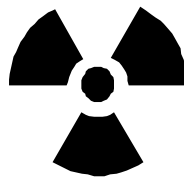
HAPPY SPRING EVERYONE! At last, the April issue of *The Hazmat News Network* is published. What a busy month. I'd like to welcome those new to the newsletter. This is a free service provided to let you know what's happening within our regulatory world. If you benefit from the articles or services provided, that's great. There is no charge. If you think someone would like to receive a copy of *The Hazmat News Network*, please pass on a copy of this newsletter.

SPRING 95 COHMED in Seattle, WA this week was great. I especially enjoyed this conference since it was located in my own backyard (the northwest). Now if you happened to miss this COHMED, don't panic; the Fall 95 COHMED is in Detroit and is guaranteed to maintain the same dynamic curriculum.

LABEL CONFIGURATION ON A PACKAGE is not that big of a deal! I know that some of us in the hazmat transportation profession are very sensitive to how something appears. But, when it comes to the configuration of a label on a hazmat package, the perfect diamond-square-on-point configuration is not required. No where in the regulations does it state that the label must be placed on the package in a specific configuration, other than its proximity to the proper shipping name and primary label, and that it can't be located on the bottom of the package. This means that I can rotate my label in any direction and even overlap the label around a corner if that's the only way I can get the label to fit on the package due to the small size of the package. You may have other in-house policies on how a label is configured on a package, but remember, the regulatory requirement is that it appears on the same surface as the hazmat markings – square or diamond configured. (Placards on the other hand are required to be displayed diamond-square-on-point reading horizontally, left-to-right.)

FISSILE CONDITIONS AT FISSILE EXCEPTED QUANTITIES!

The NRC published an emergency final rule on February 10th that amends 10 CFR 71.18, 71.22, and 71.53 regarding the shipment of exempt quantities of fissile material and the shipment of fissile material under a general license. This rule restricts the use of beryllium and other special moderating materials – such as deuterium and graphite – in the shipment of fissile materials and consigns quantity limits on fissile excepted shipments. The changes are necessary to correct a recently discovered defect in the current regulations which could permit, in special circumstances, nuclear criticality to occur in shipments of fissile materials which are permitted to take place without specific NRC approvals. The changes to 10 CFR are generally compatible with the changes made to 1996 IAEA Safety Series No. 6. One area that 10 CFR 71 is not



compatible with the 1996 IAEA SS#6 is where the NRC includes "graphite" as a special moderating material while the IAEA does not. **Expect** the DOT to be publishing their revision on this matter and other radioactive materials requirements in the very near future!

NEW "ONSITE" DEFINITION FROM EPA was published on February 12th that differed from what was proposed back on November 8, 1995. The new definition applies only to the manifesting of hazardous wastes under RCRA per 40 CFR 262.20 and the EPA Identification number requirements for transporters of hazardous waste per 40 CFR 263.10. Previous to this final rule, EPA required a manifest and authorized transporter (one with an EPA ID number) to be used whenever transportation occurred in a public access area along the roadway (other than traversing straight across the roadway). As a result of this final rule, manifesting and using transporters with EPA ID numbers are no longer required for the transportation of hazardous waste on public roads within or along the border of contiguous property that is divided by a public or private right-of-way. However, the transporter and generator are still subject to take the necessary actions for any emergency that occurs during the transport of their hazardous wastes. Generators taking advantage of this exception must consider how the emergency coordinator is to be kept informed of wastes transported and how an emergency on public roads within, between, or on the perimeter of contiguous properties is to be managed so that it minimizes exposure to the surrounding populace and property. This is very important since RCRA requires all generators of temporary storage areas and all permitted facilities to comply with the Training, Preparedness and Prevention, and Contingency Plans and Emergency Procedures requirements addressed in 40 CFR 265.16, Subpart C, and Subpart D, respectively (permitted facilities comply to Part 264). **Please** keep in mind that the definition of "on-site" for the DOT has not changed and requires full DOT compliance anytime hazardous materials are in commerce in public access areas.

LIMITED QUANTITIES OF RADIOACTIVE MATERIALS should be the easiest shipping scenario we face. Yet, all too often, we abuse ourselves by marking the packages and completing a shipping paper with either a full description or the special notice required in 49 CFR 173.422. Why do we do this when all DOT requires for hazard communications is the inner packaging containing the radioactive materials be marked "RADIOACTIVE" and the notice required per 49 CFR 173.422 be enclosed in the package along with the radioactive material. This means that the outer package is not required to display any hazard communication markings or labels, and a

shipping paper is not required (unless the radioactive material is a hazardous substance or hazardous waste).

For shipments using IATA/ICAO, limited quantities of radioactive materials must meet the DOT requirements and also display the word "RADIOACTIVE" on an inner surface of the packaging in a manner so that it is visible upon opening the package, and the air waybill bear the notation per IATA Section 10.8.3.3; the Shipper's Declaration and all other package markings and labels are not required (except for the gross weight on the package if the permissible gross mass exceeds 50 kg). Why make it harder than it is?