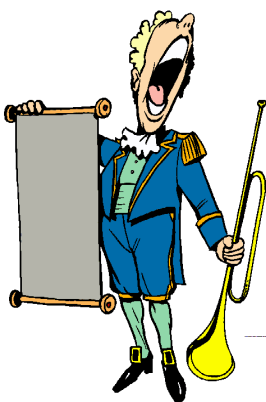




HAPPY 1999

THE CENTURY IS CLOSING... Wow! But not to fear for *THE HAZMAT NEWS NETWORK* will be there to keep you informed on the latest regulatory changes that may impact your hazmat and hazwst transportation and packaging activities. And the cost is still \$0. Don't try to find the December 1998 issue; I took some time off over the holidays...ahhhhh.

REGULATORY TRAINING WILL BE AVAILABLE this year from Regulatory Resources. Look for the schedule in an upcoming Newsletter.



DOCKET ACTIVITY IS RACING AGAIN. Here's what's happened since the November 98 Newsletter. Because of the volume, my descriptions are short.

- **Nov 25th:** RSPA published a request for comments concerning the type and amount of information they request from hazmat employee/employers. Comments due by 1/25.
- **Nov 30th:** EPA published the HWIR — final rule, followed on 12/1 with a partial withdrawal. The rule affects hazardous remediation waste management requirements.

- **Dec 7th:** RSPA published an administrative determination of preemption from the Association of Waste Hazardous Materials Transporters concerning Class 3 and combustible liquids transported in Houston, Texas.
- **Dec 7th:** RSPA published a NPRM regarding the mandate that federal agencies make communications with the public more understandable. Comments due by 2/9. Hey, why didn't they finalize this before publishing NUREG-1608?????
- **Dec 14th:** RSPA published a safety notice to alert persons who own, use or are responsible for the maintenance of composite cylinders that damage may occur to the cylinder when the cylinder comes into contact with strong cleaners or other corrosives. RSPA is aware of 2 rupture incidences.
- **Dec 14th:** The FHWA published a notice of intent to consider "negotiated" rulemaking action to revise the drivers' hours-of-service rules. For more info, call 202-366-4009.
- **Dec 15th:** EPA issued a direct final rule to remove, effective 2/16, *caprolactam* from the list of CERCLA hazsubs.
- **Dec 18th:** EPA published two proposed rules concerning the temporary suspension of the TCLP rule for specified lead-based paint debris and new management and disposal standards for the same. Hey, they're getting the lead out!

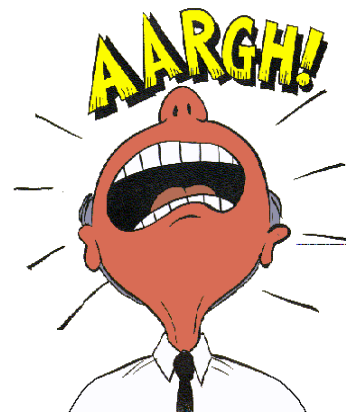
- **Dec 22nd:** FWHA published a final rule to amend truck size and weight regulations by changing the definition of automobile transporters to include those transporting towed vehicles and truck camper units.
- **Dec 24th:** The EPA published a final rule correcting errors in the Universal Waste regulations.
- **Dec 29th:** RSPA published a safety advisory notice concerning unsafe cylinders that have been retested by Fire Compression Services (FPS) of Canton, Ohio. They didn't retest them right even though they remarked them. \$ Ouch \$
- **Dec 30th:** FWHA published a final rule modifying the National Network for commercial motor vehicles by adding a route in North Dakota. Effective date: 1/29/99.
- **Dec 30th:** The FHWA published a notice to extend the deadline to receive applications to participate in the Global Positioning System technology pilot demonstration project. The new deadline is 6/30/99.
- **Dec 31st:** RSPA published an extension to file comments to the NPRM HM-220 (requirements for DOT spec cylinder). The comment extension last until May 28, 1999.
- **Jan 12th:** RSPA published a NPRM to extend to 7/1/99 the period for continued manufacturing of MC331 cargo tanks without certification and demonstrated performance of the emergency discharge control system. Comments due by 2/11.

THE NEW LSA/SCO UNGUIDANCE DOCUMENT

comments I said would come aren't here yet. I'm having trouble swallowing the "stuff" in the document. The document is confusing, contradictory, and has very little operations application. It was written with heavy NRC input, and therefore, doesn't lend itself to the real world of rad waste. One note: Section 6.3.2 misleads you to believe that you can ship LSA or SCO as its own packaging. Don't believe it!

This section is VERY poorly written. If you want to use the LSA or SCO as its own packaging you must file for approval or exemption with DOT. Otherwise, you'll be in violation of DOT HazMat Regs. If anything else, remember this — 49 CFR contains the regulations that must be met; the LSA/SCO is only a guidance document that does not carry the weight of a regulation (it's not really enforceable).

"PSN MIXTURE" OR "PSN NOS"? Sometimes it's not real obvious when you use the qualifying word "mixture" or "solution" or when you use a "nos" PSN. For example: a very small amount (e.g., 1 gram) of a Class 1.1 explosive is added to 50-gal of tetrahydrofuran, a Class 3, PG II liquid. When mixed, the only





hazard remaining is Class 3, PG II. What proper shipping name is used? In this case, "Hydrocarbons, liquid, nos" rather than "Tetrahydrofuran mixture", or "Tetrahydrofuran solution." The use of the qualifying word "mixture" or "solution" only applies to a regulated material mixed with a non-regulated material (§172.101(c)(10)). (Remember, the word "solution" is



limited to a homogeneous mix [§171.8].) Since we initially had a Class 1.1 and Class 3, we cannot use the qualifying word; we must come up with a new PSN. To use "Tetrahydrofuran" does not accurately identify the solution since it is mixed with a Class 1.1. If all the tetrahydrofuran were to evaporate, we'd be left with a Class 1.1 explosive residue.