



**BRRRRRR** It's snowing up here in the northwest (but I hear it's even colder in Florida!). Welcome to THE HAZMAT NEWS NETWORK. This free publication is given to help you in your daily DOT and RCRA regulatory compliance needs. Although copyright protected, please pass it on – **in whole** – to others who will benefit from the information provided.

**A DATE CHANGE IN THE ADVANCED RADIOACTIVE Materials Packaging & Shipping Workshop** has occurred. Please take note that the date has been changed from December 11-15 to February 12-16, 2001. You just couldn't ask Santa for a better Christmas present!

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forget to send RRI a bid for your next regulatory training need. We cover all aspects of the DOT hazmat regulations, RCRA hazardous waste, and OSHA. What's even better is that we can customize our training to fit your operational needs. Call us today!

**DOCKET ACTION FOR MID-OCTOBER/NOVEMBER.**

- Oct 10<sup>th</sup>: RSPA issued a decision of preemption petitioned by the New York Propane Gas Association against an ordinance in Nassau County, New York.
- Oct 11<sup>th</sup>: RSPA published corrections to the final rule, HM-189Q (which became effective on 10/1/00).
- Oct 17<sup>th</sup>: RSPA issued a notice of preemption inviting comments by 12/1/00. The preemption is petitioned by ATOFINA Chemicals, Inc. against the Louisiana requirements for Hazmat incident notification and reporting.
- Oct 23<sup>rd</sup>: RSPA published a NPRM, HM-215D, "Harmonization with the UN Recommendations, IMDG Code and ICAO Technical Instructions". Comment are due by 12/22/00. See the accompanying article for more information.
- Oct 24<sup>th</sup>: RSPA published a safety advisory notice concerning the unauthorized marking of compressed gas cylinders by the Eddma Corporation (EC) d/b/a Fire Services, Virginia Beach, VA.
- Nov 1<sup>st</sup>: TSCA published a NPRM concerning the return of PCB waste for U.S. territories outside the Customs Territory of the U.S. Comments are due by 12/1/00.
- Nov 8<sup>th</sup>: EPA published a final rule regarding newly identified chlorinated aliphatics production hazardous wastes.
- Nov 16<sup>th</sup>: RSPA issued a notice of preemption inviting comments by 01/02/01. The preemption is petitioned by the

Boston & Maine Corporation concerning Massachusetts' definitions of hazardous materials.

- Nov 20<sup>th</sup>: RSPA published a notice of public meetings regarding the preparation for and to report the results of the 21<sup>st</sup> session of the UN committee of Experts on the Transport of Dangerous Goods. See the docket for dates and locales.

**HM-215D NPRM HAS SOME BIG HITTERS** for the hazmat transport world. Please take note of the following and provide your comments to RSPA. Published 10/23/00, this docket has both some good and not so good aspects. First the good: RSPA is proposing to adopt, for international shipments, the use of the IAEA *ST-1 Regulations for the Safe Transport of Radioactive Materials*. Here's the bad: (1) Both 49 CFR 171.11(d)(6)(v) and 171.12(d)(3) limit the activity to the most restrictive "A" value between the international regs and our domestic regs. This means that even if the rad material is not a Class 7 radioactive material under the IAEA regs (and subsequently IMDG and IACO), it must still be shipped as Class 7 material. Hence, once you leave U.S. jurisdiction you have incorrectly classified and identified your material; (2) Because U.S. shippers – as proposed – are still limited to the most restrictive "A" value, you may find you're placing U.S. domestic Type B activities in Type B packages that are actually Type A activities once outside U.S. jurisdiction. Once again, this presents a very real package issue based on discussions with others in the Competent Authority/Compliance Assurance sector. Other rad interface issues are present as well. PLEASE, provide comments to RSPA about this. It's a very good thing to adopt ST-1, just remove the constricting interface requirements! **Another** very important issue deals with the tentative shipping determination for samples. Please read 49 CFR 172.101(c)(11). RSPA is proposing to eliminate tentative classification for all explosive, infectious substances and radioactive material samples. This means that you must completely characterize and classify these materials before you can even ship a sample!! This is terrible and must not be allowed to be placed into the regs. Furthermore, RSPA proposes more restrictions on other hazmats that can still be shipped under a tentative determination (e.g., dry ice used for cooling a sample by air will be forbidden). **ACT NOW !!**



THE HAZMAT NEWS NETWORK just completed its 52<sup>nd</sup> issue and a full 5 years in publication. RRI thanks all of you and wishes you each a very happy Thanksgiving Holiday.