U.S. Department of Transportation
Research and Special Programs Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 10727 (EXTENSION)
ORIGINAL August 28, 1992

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 10727 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to September 30, 1995. This change is effective from the issue date of this extension. All other terms of the exemption remain unchanged.

This extension applies only to party(ies) listed below based on the application(s) received in accordance with 49 CFR 107.105. This extension constitutes a necessary part of this exemption and must be attached to it.

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

NOV 15 1993
(DATE)

Dist: FRA

EXEMPTION HOLDER	APPLICATION DATE
United States Environmental Protection Agency Denver, CO	September 14, 1993

ADVISORY

IF YOU ARE A HOLDER OF AN EXEMPTION THAT AUTHORIZES THE USE OF A PACKAGING WITH A MAXIMUM CAPACITY LESS THAN 450 L (119 GALLONS) OR A MAXIMUM NET MASS LESS THAN 400 KG (882 POUNDS), PLEASE BE ADVISED THAT YOUR EXEMPTION MAY NOT BE RENEWED BEYOND SEPTEMBER 30, 1996. IN ADDITION, NO NEW CONSTRUCTION OF PACKAGINGS WHICH FALL WITHIN THE NON-BULK CAPACITIES LISTED ABOVE ARE AUTHORIZED AFTER SEPTEMBER 30, 1994. THIS IS CONSISTENT WITH THE IMPLEMENTATION OF THE NEW PACKAGING REQUIREMENTS ADOPTED UNDER DOCKET HM-181. ANY APPLICATION SUBMITTED TO THIS OFFICE TO RENEW AN EXEMPTION BEYOND THE SEPTEMBER 30, 1996 DATE WILL BE DENIED UNLESS THE APPLICATION CONTAINS SUPPORTING INFORMATION TO JUSTIFY THE CONTINUATION OF THE EXEMPTION.

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DOT E-10727

1. The U.S. Environmental Protection Agency (EPA), Region VIII, Denver, Colorado, and certain EPA contractors involved with transportation of radium cleanup wastes are hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to offer and transport in commerce, soils and debris with very low concentrations of radioactive material. This exemption authorizes the transportation of materials with low concentrations of radioactivity in closed vehicles without detailed analysis of the contents in each closed vehicle and with alternative requirements for hazard communication information, and provides no relief from any regulations other than as specifically stated.

2. BASIS. This exemption is based on the Environmental Protection Agency's application dated December 13, 1991, and supplemental information dated April 6, 1992, submitted in accordance with 49 CFR 107.103 and the public proceedings thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Soils and debris with low concentrations of radium, radium daughter products, and ores from which radium was extracted; classified as radioactive material, hazardous substance, or non-hazardous material.

4. PROPER SHIPPING NAME (49 CFR 172.101). Environmentally Hazardous substance, solid, n.o.s./Hazardous substance, solid, n.o.s.; Radioactive material, excepted package-limited quantity of material/Radioactive material, limited quanitity, n.o.s.; or Radioactive material, LSA, n.o.s.

5. REGULATIONS AFFECTED. 49 CFR 171.15; 171.16; 172.3; 172.202; 172.203 (c) (1) (i); 172.203 (d) (1); 172.310; 172.331; 172.332; Part 172, Subparts E, F and G; 173.22; 173.421-1; 173.425 (c) (1) (iii); 173.425 (c) (5); 173.443 (d); 174.24; 174.25; 174.45; 174.59; 174.700; and 174.715;.

6. MODES OF TRANSPORTATION AUTHORIZED. Rail freight.

7. SAFETY CONTROL MEASURES.

a. The Environmental Protection Agency (EPA) and contractors operating under the control of the EPA are provided relief from certain regulatory requirements when offering and transporting soils and debris contaminated with radium and related radionuclides from the Denver Colorado area to Tooele County, Utah. Because of the very large volumes and relative uniformity of the radioactivity

in the soils and debris, it is not necessary to determine the specific activity or the total activity of the radionuclides of the material in each closed transport vehicle. The range of total and specific activity of conveyance contents may be made on prior radioassays performed during the evaluation of the sites from which the radium contaminated soils and debris are to be transported. The operations are to be conducted as described in the application listed in paragraph 2, except for the activities for which relief is provided by this exemption.

b. Shipping documents shall describe the material as "Soils and debris containing small amounts of radioactive material with low radiological hazards" and shall also include the following: "DOT E-10727, For Information or Emergencies Call 1-800-876-CNSI". For the small fraction of the shipments that could be classified as a Hazardous Substance or Radioactive Material, the shipping documents do not require the material description of Part 172, Subpart C (172.202, 172.203(c)(1)(i), 172.203(d)(1)) or 173.421-1; nor is the emergency response information required from 172.600 thru 172.604. EPA shall continue their activities of familiarizing the rail carriers and effected communities by providing information about the low hazards of the materials and response actions if mishaps occur during transportation.

c. Transport must be by closed gondola rail cars that meet the definition of bulk packaging or closed transport vehicles.

d. The closed gondola cars shall be marked on both sides with the statement "THIS CONTAINER IS DEDICATED TO THE TRANSPORT OF DENVER RADIUM WASTE. DO NOT LOAD THIS CONTAINER WITH ANY OTHER MATERIAL. CONTACT 1-800-876-CNSI FOR INFORMATION." and "DOT E-10727". For the small fraction of shipments for which the materials might be classed as a Hazardous Substance or a Radioactive Material, the markings specified in 172.310, 172.331, and 172.332 and the placarding specified in 173.425(c)(5) and Subpart F, of Part 172 are not required.

e. The empty closed gondola cars shall be essentially free of contamination on the outside before returned to the radium clean-up site, but they do not need to be monitored each trip to prove compliance with 49 CFR 173.443 (d), and 174.715 (a). Before vehicles used under this exemption are released for transport of other commodities or uses, they must be thoroughly decontaminated to satisfy the requirements of 49 CFR 173.443(a) and the applicable release standards of the EPA.

8. SPECIAL PROVISIONS.

a. Each load of materials to be transported does not need to be assayed to permit proper classification, packaging, and otherwise offered for transportation (according to 173.22 and 172.3) even if the assay would determine the material to be subject to the Hazardous Materials Transportation Regulations.

b. The documentation accompanying the shipment does not require the detailed descriptive information specified in 49 CFR Subparts C and G of Part 172.

c. The radiation levels on the external surfaces of the rail cars shall be monitored prior to transport. Anomalous results shall be evaluated and resolved if unexpected hazards exist. Results of the radiation measurements shall be maintained by EPA Region VIII for a period of at least 2 years and made available to DOT upon request.

d. A copy of this exemption shall be made available to the carriers transporting the rail cars used under this exemption, but copies of the exemption are not required to be carried with the documentation aboard each train.

e. For reporting spills or releases of materials covered by this exemption, carriers are exempt from the reporting requirements of 171.15, 171.16, and 174.45. Spills or releases exceeding the lesser of 1,500 pounds of material or one tenth of an RQ of radionuclides (49 CFR 172.101, Appendix, Table 2) shall be reported by the Environmental Protection Agency to the Department of Transportation as a requirement of 171.15 and 171.16. The EPA shall report all releases or spills of materials with specific activities exceeding 0.002 micro curies per gram; and the specific activity of the material may be based on the site characterization radioassays performed and on file at EPA or with the contractor.

9. REPORTING REQUIREMENTS.

a. Releases of materials covered by this exemption are required to be telephonically reported by EPA according to paragraph 8.e of this exemption. For incidents not involving releases of material during transportation between Denver Colorado and Tooele County, Utah, the carrier is subject to the reporting requirements of 171.15, 171.16, and 174.45.

10. EXPIRATION DATE. July 31, 1993.

Issued at Washington, D.C.

AUG 28 1992

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

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