U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 20 1990

DOT-E 10454

1. M. Burstein & Co., Inc. Chelsea, Massachusetts, is hereby granted an emergency exemption from certain provisions of this Department's Hazardous Materials Regulations to offer and transport a package prescribed herein of the hazardous materials described in paragraph 3 below in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the one-time-only transportation of a shipment of aluminum scrap, contaminated with a small amount of radioactive material, contained in a closed trailer van without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements, and provides no relief from any regulations other than as specifically stated.

2. BASIS. This emergency exemption is based on M. Burstein & Co., Inc.'s application submitted through Transhield Trucking, Inc. dated September 7, 1990, submitted in accordance with 49 CFR 107.113, and a determination that it is necessary to preclude serious economic loss.

3. HAZARDOUS MATERIALS (Descriptor and class). Aluminum metal scrap containing a small amount of radioactive material of unknown identification, classed as radioactive material.

4. PROPER SHIPPING NAME (49 CFR 172.101). Radioactive material, n.o.s.

5. REGULATION AFFECTED. 49 CFR Part 107, Appendix B to Subpart B, paragraph (1); 49 CFR 172.203(d) and Subparts D,E, and F of Part 172.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle.

7. SAFETY CONTROL MEASURES.

a. Packaging prescribed is a closed van trailer.

b. The radioactive material is not readily dispersible.

c. The Massachusetts Department of Health is to be notified for monitoring the off loading of the aluminum scrap at the M. Burstein facility, Chelsea, MA.

8. SPECIAL PROVISIONS.

a. Shipment will be made between the Wabash Alloy facility in Wabash, IN, to the M. Burstein facility, Chelsea, MA, by Transhield Trucking, Incorporated using the most direct route available.

b. The marking, labeling, and placarding requirements of Subparts D, E, and F of 49 CFR Part 172 are waived.

c. The additional shipping paper requirements for radioactive materials in 49 CFR 172.203(d) are waived. The only hazardous material descriptive entry required on shipping papers is "Radioactive material, n.o.s., UN 2982, aluminum scrap metal with a small amount of radioactivity, DOT-E 10454."

d. The package marking requirement specified in Appendix B to Subpart B of 49 CFR Part 107, paragraph (1) is waived. The other provisions must be met.

e. The Federal Highway Administration (FHWA), Office of Motor Carriers, Region V, must be notified by calling (708)206-3175 if any unusual incident occurs during transit.

f. Before the shipment commences and after the shipment is completed, the following organizations must be notified:

Massachusetts Department of Public Health

Radiation Control Program
Boston, Massachusetts 02111
(617)727-621

and

Indiana State Board of Health
Radiological Health Section
Indianapolis, Indiana 46206
(317)633-0180

and the FHWA as given in paragraph 8(e).

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Office of Hazardous Materials Transportation as soon as practicable.

10. EXPIRATION DATE. September 30, 1990.

Issued at Washington, D.C.:

SEP 20 1990

Alan I. Roberts
Director
Office of Hazardous Materials
Transportation

(Date)

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

Dist: FHWA.
Robert Hallisey, Massachusetts Department of Public Health.
David Nauth, Indiana State Board of Health.