U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 1 1992

DOT-E-10669
(THIRD REVISION)

1. TRANSMARK SALES, Riverside, California; PROMET, Inc., Houston, Texas; and those shippers specifically identified by letter from the Nuclear Regulatory Commission (NRC), are hereby granted an exemption from certain provisions of the Hazardous Materials Regulations (HMR). These firms are exempt from the HMR requirements for packaging, marking, labeling, and shipping papers when offering for transport those products described in paragraph 3, below. This exemption provides no relief from any regulation other than as specifically stated, and is subject to the limitations and special requirements specified herein.

2. BASIS. This exemption is based on the applications dated August 28, 1991 from TRANSMARK SALES and PROMET, Incorporated, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon and supplemental letter dated March 3, 1992. Other authorized shippers are identified by the NRC in a letter dated December 26, 1991 on file with DOT.

3. HAZARDOUS MATERIALS (Descriptor and class). Steel fence products containing very small concentrations of cobalt 60, classed as radioactive materials.

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

5. REGULATIONS AFFECTED. 49 CFR 173.421 and 173.421-1(a).

6. MODES OF TRANSPORTATION AUTHORIZED. Rail freight and motor vehicle.

7. SAFETY CONTROL MEASURES.

a. The steel fence products shall have been monitored for contamination and the results of the monitoring reviewed and approved by the NRC. The products must be transported to destinations approved by the NRC with controls in transportation that assure all materials in the shipment are received at the prescribed destination. Procedures for documentating such assurance shall be approved by the NRC.

b. If the motor vehicle or rail car transporting steel fence products under this exemption is under the exclusive use control of the exemption holder or his agent/contractor, shipping papers must include statements that enumerate and describe the products being offered by each shipper and a copy of this exemption must be attached to the shipping papers carried in the transport vehicle.

c. If the steel fence products under this exemption are offered to common carriers, "DOT E-10669" must appear in figures at least 1/4" high on each address label or address tag attached to each package or bundle of steel products; the exemption number must appear on the shipping papers and a copy of this exemption must be available to a carrier, if requested.

d. A copy of this exemption must be available at each location where the steel fence products are being offered for transportation.

8. SPECIAL PROVISIONS.

a. Shippers offering the steel fence products for transportation under this exemption need not measure or determine the total activity of the steel fence products as normally required for Radioactive materials, limited quantity, n.o.s. by the first paragraph of 49 CFR 173.421 and the right-hand column of the table in 49 CFR 173.423.

b. Shippers are exempted from the following requirements:

1. Packaging the products as cited in Section 173.421(a);

2. Measurement of the external radiation levels as cited in Section 173.421(b);

3. Measurement of nonfixed radioactive contamination as cited in Section 173.421(c);

4. Marking the word "Radioactive" on packages or products as cited in Section 173.421(d); and

5. Providing the name of the shipper or receiver and providing the limited quantity descriptive information as cited in Section 173.421-1(a).

c. No special handling or radiological safety procedures are required by personnel during loading, transport, and unloading of these materials from the truck or rail car.

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

10. EXPIRATION DATE. December 31, 1992.

Issued at Washington, D.C.:

JUL 1 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 Program.

Dist: FHWA, FRA, NRC.