

From: Ullrich, Elizabeth
Sent: Wednesday, June 23, 2010 8:34 AM
To: Michael B Ohm
Cc: Dimmick, Lisa
Subject: RE: Inquiry responses

Mike,

I will be out of the office tomorrow (Thursday 6/24), in on Friday, and out Monday-Wednesday 6/28-30. As I just finally got through my DOT trail on this, I see no reason to bother Kelly with this, but will wait until both you and I are back in the office at the end of next week.

I agree that most of your shipments contain quantities of licensed material that are less than the quantity that the DOT defines as "radioactive material" [49 CFR 173.403 and 173.436]; according to our transportation regs experts, such materials are exempt from DOT regulations by definition and therefore are not required to follow the DOT requirements for marking, labeling etc. (There is a requirement in 10 CFR 71.5(b) that requires NRC licensees to follow DOT requirements for activities that are not applicable under DOT; according to our experts and legal counsel, the materials that do not meet the DOT definition of radioactive material are in activities applicable under DOT, and because DOT has exempted them, no further DOT regs apply.)

The two shipments that contain quantities that meet the DOT definition of radioactive material (3/30/2010 and 9/9/2009) are described in your email as below the limited quantity package limits [49 CFR 173.425]. I agree with this.

I agree that 49 CFR 173.421(b) says that a limited quantity Class 7 material that is a hazardous substance or a hazardous waste is not subject to 49 CFR 172.203(d) [the shipping paper description for radioactive materials] or 172.204(c)(4) [documentation requirements for aircraft transportation].

However, 49 CFR 173.423 (Requirements for multiple hazard limited quantity Class 7 (radioactive) materials states in 173.423(b) that a limited quantity radioactive material is excepted from the requirements of 173.422(a) [the UN number marked on the outside of each package], 172.203(d) [description/labeling...] and 172.204(c)(4) [the aircraft documentation...] IF the entry "Limited quantity radioactive material" appears on the shipping paper in association with the basic description.

So if the packages of radioactive waste to be transported by roadways contain limited quantities, they do not have to meet 172.203(d) shipping paper description; and so long as you have the statement "Limited Quantity radioactive material" on the shipping paper, you also do not have to have the UN number marked on the outside of the package.

- so in response to your bullets in the email below

* manifests ...I have not looked at the requirements for the waste manifest, only for shipping papers

* For the shipments that do not meet the DOT definition of RAM, you are fine with what you are doing; with limited quantities, you either have to put the UN number on each package that contains a limited quantity, or put the required statement on the shipping papers

* fiberpack containers - not sure why you listed this, no problems with this other than possible requirement for UN number if limited quantity is shipped and the required statement is not on the shipping paper

* I am unsure why your Environmental Group believes that the containers are required to be marked as containing radioactive material if they do not meet the DOT definition of radioactive material; can you provide more information about this? I think if they are required to be marked, they should be marked in accordance with (iaw) some DOT regulation.

* truck placards are not required for limited quantity shipments.

* I agree that limited quantity shipments do not require placards; they do require either UN numbers marked on the containers, or the required statement on the shipping paper. I brought up placards in case you were shipping the material as Low Specific Activity (LSA) for which placards would be required.

I am keeping this inspection open until we all understand (or think we have a common understanding) of the DOT regs applicable to these shipments of waste. I also will be discussing this with my supervisor to see what level, if any, violation may be involved.

Betsy

From: Michael B Ohm [mailto:Michael.B.Ohm@usa.dupont.com]
Sent: Friday, June 18, 2010 9:11 AM
To: Ullrich, Elizabeth
Subject: Inquiry responses

Hi Betsy,

Per my voice message this morning, I've attached a pdf file that contains the information you requested regarding radioactive waste shipments from Stine-Haskell to the Experimental Station. The data covers the period 3/8/2007 - 6/9/2010. Two of the sixty-two shipments exceeded both the exempt activity limit and activity concentration. These shipments were on 9/9/2009 and 3/30/2010.

I also wanted to provide you with our current practices around these shipments. Please let me know if we need to amend any of these practices so we can ensure compliance with the appropriate NRC/DOT regulations.

- Manifests
- Per 49 CFR 173.425 and the table in 49 CFR 173.435, these shipments are below the limited quantity package limits. As such, the DOT regulations allow us to capture the "higher" hazard waste code (e.g. "waste flammable liquid corrosive", "waste flammable liquid toxic"). We are capturing the radioisotope and activity level (in microcuries) on each applicable manifest line item.
- Fiberpack containers

- Once the fiberpacks are filled, the lids are secured to the container with clear packing tape. Tape bearing the words "Caution - Radioactive Materials" is affixed to this seal. Our Environmental Group, which manages DOT processes, indicated that the DOT regulations require that the container be marked to indicate it contains radioactive material.
- Truck placards
- Although the two shipments noted above exceeded the DOT exempt limits per 49 CFR 173.436, they do not exceed the limits of 173.425. Our Environmental Group indicated that as such the waste transfer trucks do not require Class 7 placards.

Also, as noted in my voice message, I will be on vacation next week, but will be available by cell phone (302-218-2461). Kelly Messner from our Environmental Group has graciously volunteered to serve as your contact while I'm on vacation. If there are any additional follow-up questions, Kelly can be reached at 302-695-6761.

Thanks for your assistance Betsy!

Mike

Michael B. Ohm
FS&RE Industrial Hygiene Group

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From: Ullrich, Elizabeth

Created By: Elizabeth.Ullrich@nrc.gov

Recipients:

Michael.B.Ohm@usa.dupont.com (Michael B Ohm)

Tracking Status: None

Lisa.Dimmick@nrc.gov (Dimmick, Lisa)

Tracking Status: None

Post Office:

Files	Size	Date & Time
MESSAGE	22462	6/23/2010

Options

Expiration Date:

Priority: olImportanceNormal

ReplyRequested: False

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Recipients received: