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**G-000-1001.125**

**SHIPMENTS OF STRUCTURAL STEEL TO AND FROM THE ALARON  
FACILITY - (RESPONSE TO COMMENTS RECEIVED)**

**10/11/95**

**DOE-0040-95  
DOE-FN        ODH  
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RESPONSE**



**Department of Energy**  
 Fernald Environmental Management Project  
 P. O. Box 398705  
 Cincinnati, Ohio 45239-8705  
 (513) 648-3155

**OCT 11 1995**

**DOE-0040-95**

**Mr. Ronald R. Goodwin**  
 Senior Health Physicist  
 Ohio Department of Health  
 246 North High Street  
 Post Office Box 118  
 Columbus, Ohio 43266-0118

Dear Mr. Goodwin:

**SHIPMENTS OF STRUCTURAL STEEL TO AND FROM THE ALARON FACILITY**

**Reference:** Ronald R. Goodwin to John W. Reising and Tom Schneider and James A. Saric, "U.S. Department of Transportation Exemption Requirements for State Control of Scrap Metal Shipments Containing Unknown Amounts of Unidentified Radionuclides," dated October 3, 1995.

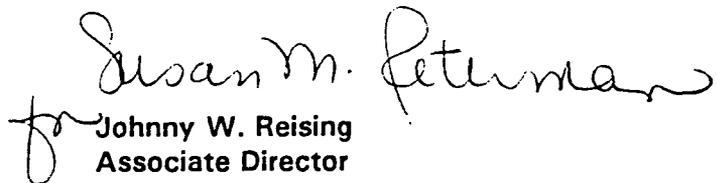
The U.S. Department of Energy, Fernald Area Office (DOE-FN) is in receipt of your October 3, 1995, letter concerning the return shipments of structural steel to and from the Alaron Facility to the DOE-FN site. While the DOE-FN recognizes your concern with this issue, we do not share your conclusion that the DOE-FN violated the provisions of the Department of Transportation (DOT) Exemption E-10656.

The legal shipper of record for the shipments questioned was Alaron, the firm contracted to decontaminate the structural steel. The DOE-FN has confirmed with Alaron that it did not utilize DOT Exemption E-10656 in completing shipments either to or from the Fernald site. The scrap metal in these shipments was transported in accordance with the requirements of 49CFR173, Subpart I. Contaminants were known and monitored prior to shipment of material from the Fernald Environmental Management Project (FEMP) or Alaron Facility under the requirements of 49CFR, 173.421. All waste shipments from the FEMP completed by the DOE-FN or its contractor, Fernald Environmental Restoration Management Corporation (FERMCO), are in full compliance with the requirements of 49CFR173, Subpart I. The DOE-FN does not currently anticipate shipments of scrap metal originating from or terminating at Fernald that would utilize the referenced exemption. The DOE does not believe the requirements to notify the Ohio Department of Health (ODOH) referenced in your letter apply to activities being completed at the DOE-FN; if this situation changes, we will notify you. Enclosed is the revised exemption E10656. The exemption you referenced in your correspondence has expired. Please note that this exemption also is about to expire and new guidance is expected from DOT.

Again, the DOE-FN recognizes your Department's interest in the activities at the DOE-FN. We encourage you to work with the Ohio Environmental Protection Agency (OEPA), the State's lead agency at the site. Address any issues or particular concerns you may have.

If you have any questions regarding this letter, please contact Sue Peterman of my staff at (513) 648-3179.

Sincerely,

  
for Johnny W. Reising  
Associate Director  
Environmental Management

FN:Peterman

Enclosure: As Stated

cc w/enc:

K. Chaney, EM-423, GTN  
B. Skokan, EM-423, GTN  
D. Pfister, DOE-FN  
D. Rast, DOE-FN  
J. Trygier, DOE-FN  
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R. Blank, FERMCO/52-3  
L. Goidell, FERMCO/52-3  
T. Hagen, FERMCO/65-2  
L. Miller, FERMCO/52-3  
M. Strimbu, FERMCO/65-2  
T. Walsh, FERMCO/65-2  
M. West, FERMCO/35-1  
AR Coordinator, FERMCO



US Department  
of Transportation

Research and  
Special Programs  
Administration

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

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DOT-E 10656  
FIRST REVISION

EXPIRATION DATE: November 1, 1995

1. GRANTEE: Shippers designated by State radiation control officials identified in the Office of the Executive Director of the Conference of Radiation Control Program Directors (CRCPD), Frankfort, Kentucky.
2. PURPOSE AND LIMITATION: Shipments of scrap metal found to contain unknown small amounts of unidentified radioactive material may be offered and transported by highway and rail with relief from requirements for materials classification, packaging, and hazards communications. Each shipment requires an approval signed by a state radiation official and satisfaction of other requirements of this exemption. No relief is given from any regulations other than as specifically stated in this exemption.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 107, Subpart B, Appendix B, Paragraph (1); Part 172, Subparts C, D, E, F, and G; Part 173, Subpart B, Section 173.22 (a)(1); Part 173, Subpart I, Sections 173.412, 173.415, 173.416, 173.421, and 173.425.
5. BASIS. This exemption is based on CRCPD's application dated August 11, 1993, submitted in accordance with 49 CFR 107.105.

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6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class (Written Class) class number	Identification number	Packing Group
Radioactive material excepted package-limited quantity of material	(Radioactive material) Class 7	UN2910	N/A
Radioactive material, low specific activity, LSA, n.o.s.	(Radioactive material) Class 7	UN2912	N/A
Radioactive material, n.o.s.	(Radioactive material) Class 7	UN2982	N/A

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - The shipments are excepted from the packaging requirements (Part 173, Subpart I, Sections 173.412, 173.415, 173.416, 173.421, and 173.425) that might apply if a radioassay had determined that the material could have been classified as radioactive material (Class 7). Materials may be transported in bulk packagings conveyed by motor vehicle or rail. The radioactive material on or in the scrap metal shall not be readily dispersible while being transported.

b. CLASSIFICATION and TESTING - Assay to permit classification and description of the material as required by 49 CFR Part 173, Subpart B, Section 173.22 (a)(1) is waived. The shipment approval identified in paragraph 8(b) does not require a determination of the identification and quantity of the radioactive material that has caused the low levels of radiation outside the conveyance; and measurements are not needed to determine if the radioactive material is less than the regulatory definition of radioactive material (49 CFR 173.403 (y)) or whether it meets any of the definitions of the shipping names in paragraph 6.

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The measured radiation levels at the surface of the bulk package or conveyance shall not exceed 0.50 mSv/h (50 mrem/h).

c. MARKING, LABELING, and PLACARDING - The bulk packagings and conveyance are excepted from the marking, labeling, and placarding requirements of 49 CFR Part 107, Subpart B, Appendix B, Paragraph (1) and Part 172, Subparts D (marking), E (labeling), and F (placarding).

d. SHIPMENT APPROVAL BY STATE RADIATION OFFICIAL - The state radiation control official of the state where the radiation levels outside the vehicle are first discovered and from which shipment is to be offered shall evaluate the radiological conditions associated with the rail or highway shipment of the scrap metal containing or contaminated by the unidentified radioactive material. If the evaluation determines that radiological risks to workers, the public, and the environment are sufficiently low, the official may approve the offering and transport of the shipment to a designated location by rail or highway, as appropriate. This approval will be accomplished by the official completing and signing a Shipment Approval Document containing at a minimum the information in Annex 1 to this exemption.

The State radiation official at the destination state identified on the Shipment Approval Document, shall be notified in advance to allow for monitoring of the shipment while it is being off-loaded at the destination.

### 8. SPECIAL PROVISIONS.

a. The shipping paper requirements of 49 CFR Part 172, Subpart C are waived. The shipping document must contain the descriptive entry:

"Scrap metal for recycle containing unidentified radioactive material causing low levels of radiation outside the transport vehicle. Shipment is under Exemption DOT-E 10656 without a determination of materials meeting or not meeting the regulatory definition of radioactive material. The shipment is a minor radiological concern based on considerations of the U.S. Department of Transportation and the State Official signing the attached Shipment Approval Document."

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11. COMPLIANCE. Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Hazardous Materials Transportation Act:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
- o Registration required by 49 CFR 107.601 et seq.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

12. REPORTING REQUIREMENTS. In addition to the reporting requirements of 49 CFR 171.15, 171.16, and 174.750 or 177.861, a carrier shall report, as soon as practicable, any incident involving a shipment in transportation under this exemption to the Associate Administrator for Hazardous Materials Safety, the State official signing the Shipment Approval Document, and to the following appropriate FRA or FHWA officials. This report shall include the shipment approval number and the name and phone number of the State official signing the Shipment Approval Document.

Federal Railroad Administration  
 Office of Safety, RRS-12  
 Department of Transportation  
 400 Seventh Street S.W.  
 Washington, D.C. 20590  
 (202) 366-9178 or 366-0549, or

Federal Highway Administration  
 Office of Motor Carrier Field Operations  
 Chief, Hazardous Materials Division  
 Department of Transportation  
 400 Seventh Street, S.W.  
 Washington, D.C. 20590  
 (202) 366-4415

Issued at Washington, D.C.:

Alan I. Roberts  
Associate Administrator for  
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Dist: FRA and FHWA.

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