



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

AUG 20 1999

Mr. Bradford A. Gagnon
Transportation Manager
PWN Environmental
2462-C South Santa Fe
Vista, CA 92084

Ref. No. 99-0189

Dear Mr. Gagnon:

This responds to your letter, dated July 7, 1999, concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for shipping hazardous wastes and radioactive materials. Your specific questions are paraphrased and answered below.

Q1: According to § 177.843, it would appear that each motor vehicle used to transport Class 7 materials under exclusive use conditions must be surveyed. Please clarify when surveys are required.

A1: Section 177.843(a) requires each motor vehicle used to transport radioactive materials under exclusive use conditions in accordance with §§ 173.427(b) or 173.443(c) to be surveyed with radiation detection instruments after each use. Section 173.427(b) sets forth transportation requirements applicable to shipments of low specific activity (LSA) radioactive materials and surface contaminated objects (SCO). Section 173.443(c) requires a motor vehicle transporting radioactive materials under exclusive use conditions to be surveyed after each use if it is operating under the provisions of paragraph (b) of § 173.443. Paragraph (b) permits non-fixed radioactive contamination on any package transported as an exclusive use shipment to exceed the limits prescribed in Table 11 in paragraph (a) of § 173.443 up to 10 times the amounts listed. Thus, motor vehicles used to transport LSA or SCO materials under exclusive use conditions must be surveyed after each use. Similarly, motor vehicles used to transport packages of radioactive materials as exclusive use shipments where the non-fixed radioactive contamination on each package exceeds the Table 11 limits must be surveyed after each use. An exclusive-use vehicle operating under the provisions of paragraph (a) of § 173.443 such that the non-fixed radioactive contamination on any package does not exceed the limits prescribed in Table 11 need not be surveyed after each use. In addition, an exclusive use vehicle operating in accordance with paragraph (b) of § 177.843 need not be surveyed after each use.



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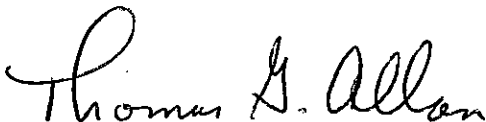
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Q2. I have a non-bulk container classified as an F003 waste because it contains acetone (RQ 5,000 pounds) at a concentration range of 10-30 percent. Because the exact concentration is unknown, I would use the quantity listed for F003 (RQ 100 pounds) to determine if the material is a hazardous substance. Is this correct? If so, how would a drum of acetone at 30 percent be a hazardous substance when it needed to be 5,000 pounds to qualify?

A2: You are correct that when the exact concentration of acetone in a hazardous waste mixture or solution is not known or is known only approximately or within a specified range, then the reportable quantity for the material is the 100 pound threshold established for F003 wastes rather than for acetone. However, when the exact concentration of acetone in the mixture or solution is known, then the reportable quantity is the 5,000 pound threshold established for acetone. In your example, the reportable quantity for a drum of 30 percent acetone and 70 percent water, properly described as waste acetone solution, is 5,000 pounds.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,



Thomas G. Allan

Acting Director

Office of Hazardous Materials Standards



PWN

Environmental

A Division of ADCO Services, Inc.

Gorsky
§ 177.843

99-0189

July 7, 1999

Mr. Thomas G. Allan
Acting Director of Hazardous Materials Standards
Hazardous Materials Information Center
Research and Special Programs Administration
FAX (202) 366-3753

Dear Mr. Allan:

Thank you for your prompt response (Ref. No. 99-0145) to my letters of June 3, 1999.

With regard to my question concerning the surveying of vehicles transporting Class 7 Material as an exclusive use shipment on the highway:

A colleague contacted RSPA and was referred to §177.843 Contamination of vehicles. It would appear that each motor vehicle used for transporting Class 7 materials under exclusive use conditions....must be surveyed (as I read it). This seems to be in contrast to your response. Would you please clarify if or when surveys are required?

In your response (Q8) you make reference to §173.433(c), has this something to do with it? I only now realized that I referenced §173.433(c) in error, it should have been §173.443(c).

With regard to my question concerning reportable quantities:

Example: I have a non-bulk container classified as an F003 waste due to the constituent acetone (RQ 5000 pounds) at a concentration range of 10-30%. If I understand your response correctly, it is as if the concentration is unknown and therefore I would use the quantity listed for F003 in general (RQ 100 pounds) rather than using the 30% as worst case scenario to calculate.

Is this correct? If so, how would a drum of acetone at 30% (water 70%) be a hazardous substance when it needed to be 5000 pounds to begin with to qualify?

Thank you in advance for your help.

Respectfully,


Bradford A. Gagion
Transportation Manager