



**WAIT...WE'RE HERE TO HELP!** Hey, have you ever felt a bit overwhelmed with all the regulations? And then the topper...the regulators publish massive change that can be used in one month but only print the new sections and paragraphs that have been added or revised. We understand. Welcome to the Jan-Feb 2004 issue of our newsletter. This publication is free to all; no catches, no gimmicks. All we want to do is help you out.



**DOCKET ACTIONS** for January and February has been a bit relaxed in number but not in volume. (See our website for a link to the U.S. Federal Register where you can obtain a .pdf file of each of these dockets.)

- **Jan 26<sup>th</sup>:** RSPA published HM-230, the final rule to the long awaited changes to align our domestic radioactive materials transport regulations with those of the IAEA TS-R-1. Voluntary compliance is February 25<sup>th</sup> with a final effective date of 10/1/04. See about this docket in the accompanying article.
- **Jan 26<sup>th</sup>:** The NRC published their sister docket to the RSPA HM-230 final rule to address the Type B and fissile material package alignment to the IAEA TS-R-1. The effective date is 10/1/04.
- **Jan 30<sup>th</sup>:** EPA published an extension of the comment period for the proposed rule to modify the RCRA hazardous waste management regs for certain solvent-contaminated shop towels, rags, disposable towels, etc. Comments are due to EPA by 3/18/04. Your comments are vital! (There are some gaps in this docket.)
- **Feb 10<sup>th</sup>:** RSPA published the final rule, HM-232C, *Enhancing Hazardous Materials Security*. The docket makes final compliance with provisions of the Safe Explosives Act incorporated in the procedures for applying for a DOT exemption (49 CFR Part 107) that were published 5/5/03 as an interim final rule. This final rule also adopts, without change, the interim final rule requiring motor carriers and vessel operators to comply with applicable licensing requirements for drivers and crewmen. The changes are effective 3/11/04.

**THE NEW RAD TRANSPORT REGS ARE OUT!** This is a long awaited DOT rulemaking action that finally aligns (for the most part) our domestic rad packaging & transport (P&T) regulations with those of the International Atomic Energy Agency (IAEA) TS-R-1 regulations. One thing for sure, Class 7 radioactive material is the only truly engineered hazard class! Here are some of the highlights. (1) Many definitions specific to rad P&T have been added and revised, and a couple even removed. Some of these include consignment, contamination, criticality safety index, exemption value, LSA-I, quality assurance, radioactive material, and transport index. The one revision that will create the greatest impact is the new definition for radioactive material. Prior to the new definition, a radioactive material became regulated in transport (e.g, Class 7 material) when the specific activity exceeded 70 Bq/g. The definition was not unique for a given isotope. Now, the definition

of Class 7 radioactive material is isotope specific and requires two separate limits be exceeded: the activity concentration of the material and the total activity per consignment. These two limits are assigned to each nuclide independent of other nuclides and are listed in the new §173.436. This means that the definition is specific for each isotope. Because the general grouping of >70 Bq/g no longer applies (effective 10/1/04), mixtures of nuclide require the shipper to calculate – either Unity Sum or Derived Value – the contribution of each nuclide in the mix based on that nuclides limits. (2) The Type A package activity limits (e.g, A<sub>1</sub> and A<sub>2</sub> values in §173.435) have been adjusted to agree with the IAEA TS-R-1 limits, except for Cf-252 and Mo-99. The new limits will effect activity limits for all package types (e.g., limited quantities), LSA materials values, LSA/SCO conveyance limits, release limits for Type B package testing, and more. (3) The UN Number must now be marked on the outer surface of excepted packages. However, the special notice (formally §173.422(a)) is not longer required. (4) A new Class 7 label, FISSILE, has been added and is required to be displayed on fissile material packages adjacent to the hazard class label. This label ties in with the new definition, Criticality Safety Index (CSI). (5) New quality assurance (QA) requirements are found in both the DOT and NRC regulations. For the DOT, QA is now required for all aspects of rad P&T, including transporters. DOT references (in the preamble only) back for compliance with the IAEA TS-R-1, ¶310. The NRC has expanded the 10 CFR 71 Subpart H QA requirements to include not just NRC licensees but also all CoC holders and applicants. (6) The DOT is phasing out all DOT Type B specification packagings (DOT-6M, DOT-20WC, etc.) by 10/1/08. Likewise, the NRC is also phasing out by 10/1/08 all Type B( ) [i.e., those without unilateral (U) or multilateral (M) approvals]. (7) A new “unpackaged” packaging option is available for LSA-I and SCO-I materials. Some of the requirements (with exceptions as noted in §173.427(c)) include no release of contamination in the conveyance or environment and exclusive use conveyance. (8) The authorization to package LSA and SCO in an excepted package remains. However, now the shipper will have to mark all bulk packages shipped under this allowance with the words, “RADIOACTIVE-LSA” or “RADIOACTIVE-SCO” as appropriate. Also, each bulk package containing an RQ amount must be marked “RQ”. (Argggggg).

**NEED MORE INFO ABOUT THE RAD DOCKETS?** In the article above I was only able to highlight some of the new and revised requirements. Do you feel like you're stranded on an island? Don't go it alone! You need to come and participate in RRI's review of these dockets. Two review sessions are scheduled in Richland, WA on March 17 and 18 at the Hampton Inn. The cost is \$195 each. Registrations forms are available at our website. First come...first in!!

