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1253. Used Oil Filter Regulation – The Feds vs. Washington State	ENCORE	NOV 16, 2017
1254. PCB Radioactive Wastes and Exception Reporting	ENCORE	NOV 21, 2017
1255. Satellite Accumulation Requirements and Container Inspections	ENCORE	NOV 30, 2017
1256. Disposing of PCB Ballasts with PCB Potting Material	ENCORE	DEC 7, 2017
1257. Fluorescent Light Ballasts and PCB Annual Reporting		DEC 14, 2017
1258. 'Twas the Night Before Christmas – The Twenty-Fifth Annual Edition		DEC 21, 2017
1259. The Purpose of Keeping Containers Closed Except When Adding or Removing Wastes	ENCORE	DEC 28, 2017
1260. Satellite Accumulation and Product Vessel Cleanouts	ENCORE	JAN 4, 2018
1261. Conservative Declaration that Material is a Hazardous Waste	ENCORE	JAN 11, 2018
1262. Defining Criteria for Household Waste Exclusion	ENCORE	JAN 18, 2018
1263. The Household Waste Exclusion and Renovation Debris	ENCORE	JAN 25, 2018
1264. The Household Waste Exclusion and Renovation Debris – Part II	ENCORE	FEB 1, 2018
1265. The Mixtures Rule – Washington State vs. The Feds	ENCORE	FEB 8, 2018
1266. Spent Lead-Acid Batteries and Secondary Containment	ENCORE	FEB 15, 2018
1267. Spent Lead-Acid Batteries and Accumulation Time Limits	ENCORE	FEB 23, 2018
1268. CERCLA Hazardous Substances – A Brief Definition	ENCORE	MAR 1, 2018
1269. Radioactively Contaminated Lead-Acid Batteries and Hazardous Debris	ENCORE	MAR 8, 2018
1270. RCRA Treatment and the Two-Part Definition	ENCORE	MAR 15, 2018
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1274. Aqueous Solutions and the Characteristic of Corrosivity	ENCORE	APR 12, 2018
1275. Aqueous Solutions and the Characteristic of Ignitability	ENCORE	APR 19, 2018
1276. PCB Bulk Product Wastes and the One Year Disposal Requirement	ENCORE	APR 26, 2018
1277. PCB Radioactive Wastes and Exception Reporting	ENCORE	MAY 3, 2018
1278. TSCA/PCB Determinations for Fluorescent Light Ballasts via the Manufacture Date	ENCORE	MAY 10, 2018
1279. RCRA Liquids, Free Liquids, and Releasable Liquids	ENCORE	MAY 17, 2018
1280. Satellite Accumulation Areas and the Three-Day Time Limit for Excess Accumulation		MAY 24, 2018
1281. Satellite Accumulation of Aerosol Cans and Determining the 55-Gallon Limit	ENCORE	MAY 31, 2018
1282. Universal Waste and Basis for the One Year Accumulation Time Limit	ENCORE	JUN 7, 2018
1283. F001 Degreaser versus F002 Solvent	ENCORE	JUN 14, 2018
1284. Hazardous Waste Determinations and Phase Separation	ENCORE	JUN 20, 2018
1285. PCB Certificates of Disposal and Manifesting Between Related Facilities		JUN 28, 2018
1286. PCB Concentrations and 10,000 PPM	ENCORE	JUL 5, 2018
1287. PCB Concentrations and 1,000 PPM	ENCORE	JUL 12, 2018
1288. Satellite Accumulation Containers and the Date of Accumulation Marking		JUL 19, 2018
1289. Satellite Accumulation Requirements in Washington State	ENCORE	JUL 26, 2018
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1292. Ampules and the Exception to Free Liquid in Landfills Prohibition		AUG 16, 2018
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1297. Universal Waste, Satellite Accumulation and Centralized Collection Areas		SEP 20, 2018
1298. Available Regulatory Relief from Underlying Hazardous Constituent (UHC) Requirements	ENCORE	SEP 27, 2018
1299. Satellite Accumulation and the One Year LDR Prohibitions on Storage	ENCORE	OCT 4, 2018
1300. Purpose of the ≤90-day Hazardous Waste Accumulation Conditional Exclusion	ENCORE	OCT 11, 2018
1301. Regulatory Status of Used Oil Mixed with Diesel Fuel		OCT 18, 2018
1302. <b>Recyclable Chemicals and Zombie Destruction</b>	<b>ENCORE</b>	OCT 25, 2018
1303. Empty Containers and the "Empty" Label		NOV 1, 2018

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## TWO MINUTE TRAINING

**TO:** CH2M HILL PLATEAU REMEDIATION COMPANY

**FROM:** PAUL W. MARTIN, RCRA Subject Matter Expert  
CHPRC Environmental Protection, Hanford, WA

**SUBJECT:** EMPTY CONTAINERS AND THE "EMPTY" LABEL

**DATE:** NOVEMBER 1, 2018

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
Richard Austin Tania Bates Rene Catlow Richard Clinton Larry Cole John Dent Lorna Dittmer Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Sasa Kosjerina Melvin Lakes Richard Lipinski Jim McGrogan Stuart Mortensen Dave Richards Phil Sheely Connie Simiele Jennie Stults Jeff Westcott Jeff Widney	Bob Bullock Bill Cox Laura Cusack Jim Leary Anthony Nagel Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson	Brett Barnes Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzalez Jr. Dashia Huff Mark Kamberg Jon McKibben Saul Martinez Jon Perry Christina Robison Lana Strickling Lou Upton	(TBD)  <u>DOE RL, ORP, WIPP</u>  Mary Beth Burandt Duane Carter Cliff Clark Tony McKarns	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Ron Del Mar John Dorian Mark Ellefson Rob Gregory James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Kirk Peterson	Jean Quigley Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Ted Wooley

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## TWO MINUTE TRAINING

**SUBJECT:** Empty Containers and the “Empty” Label

**Q:** A customer has an empty container that formerly held a radioactive waste classified as a DOT Hazard Class 7 hazardous material. Once emptied per DOT requirements, the customer compliantly placed an “EMPTY” label on the container. The customer also has RCRA empty hazardous waste containers that formerly held non-radioactive waste. Can the customer place an “EMPTY” label on these RCRA empty, non-radioactive waste containers, or is the DOT “EMPTY” label limited for use only on empty radioactive waste containers?

**A:** [49 CFR 173.428](#), “Empty Class 7 (radioactive) materials packaging”, does state that once a packaging which previously contained Class 7 radioactive materials is emptied, the packaging is excepted from shipping papers and markings except for the UN identification marking prescribed for the material.

There are also references related to 49 CFR 173.428 concerning:

- Limited quantities of Class 7 radioactive materials,
- Radiation levels,
- Non-fixed contamination,
- Fissile material,
- No leakage of Class 7 material,
- Uranium and Thorium, and,
- Internal contamination.

These terms are radioactive specific in terms of the type of containers that can use the DOT “EMPTY” label.

However, a DOT interpretation dated August 20, 2001, ([Ref. No. 01-0169](#)), addressed the same issue of whether the “EMPTY” label can be applied to empty non-radioactive containers. DOT stated:

*“The answer is yes. A shipper may apply the empty label depicted in § 172.450 to an empty packaging that formerly contained a hazardous material of any hazard class.”*

Since DOT’s response was that an empty package that formerly contained a hazardous material of any hazard class could be labeled as “EMPTY”, a RCRA empty container that formerly contained a waste with any combination of DOT hazard classes of 1 through 9, can also be labeled as “EMPTY”.

And DOT’s interpretation makes sense, since an “EMPTY” label on a compliantly empty container is good information for workers, regulators, emergency responders and the public.

### SUMMARY:

- 49 CFR 173.428 details when an empty radioactive packaging can be labeled “EMPTY”.
- The “EMPTY” label requirement appears to be very specific and limited to radioactive material.
- However, DOT clarified that the “EMPTY” label may be used for an empty container that formerly contained any class of hazardous material.

Excerpts from 49 CFR 173.428, 172.450 and the DOT Interpretation letter are attached to the e-mail. If you have any questions, contact me at [Paul\\_W\\_Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

**FROM:** Paul W. Martin

**DATE:** 11/1/18

**FILE:** 2MT\2018\110118.rtf

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## TWO MINUTE TRAINING – ATTACHMENT

**SUBJECT:** Empty Containers and the “Empty” Label

### **49 CFR §173.428 Empty Class 7 (radioactive) materials packaging**

A packaging which previously contained Class 7 (radioactive) materials and has been emptied of contents as far as practical, is excepted from the shipping paper and marking (except for the UN identification number marking requirement described in §174.422(a)) requirements of this subchapter, provided that-

- (a) The packaging meets the requirements of §173.421(b), (c), and (e) of this subpart;
- (b) The packaging is in unimpaired condition and is securely closed so that there will be no leakage of Class 7 (radioactive) material under conditions normally incident to transportation;
- (c) The outer surface of any uranium or thorium in its structure is covered with an inactive sheath made of metal or some other substantial material;
- (d) Internal contamination does not exceed 100 times the limits in §173.433(a);
- (e) Any labels previously applied in conformance with subpart E of part 172 of this subchapter are removed, obliterated, or covered and the “**Empty**” label prescribed in §172.450 of this subchapter is affixed to the packaging; and
- (f) The packaging is prepared for shipment as specified in §173.422.

### **49 CFR 172.450 EMPTY label**

(a) Each EMPTY label, except for size, must be as follows:



- (1) Each side must be at least 6 inches (152 mm.) with each letter at least 1 inch (25.4 mm.) in height.
- (2) The label must be white with black printing.

**FROM:** Paul W. Martin

**DATE:** 11/1/18

**FILE:** 2MT\2018\110118.rtf

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**TWO MINUTE TRAINING – ATTACHMENT**

**SUBJECT:** Empty Containers and the “Empty” Label

U.S. Department  
of Transportation

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

**Research and  
Special Programs  
Administration**

AUG 20, 2001

Mr. Eugene Y. Ngai  
Vice President  
Corporate Development and Technology  
Solkatronic Chemicals  
351 Philadelphia Avenue  
Morrisville, PA 19067

Ref. No. 01-0169

Dear Mr. Ngai:

This is in response to your letter dated June 29, 2001, requesting clarification of labeling requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the empty label required under § 173.428 for an empty radioactive material package may be used for a cleaned and purged packaging that formerly contained a nonradioactive hazardous material.

The answer is yes. A shipper may apply the empty label depicted in § 172.450 to an empty packaging that formerly contained a hazardous material of any hazard class.

I hope this satisfies your request.

Sincerely,

John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards

173.428

**FROM:** Paul W. Martin

**DATE:** 11/1/18

**FILE:** 2MT\2018\110118.rtf

**PG:** 3

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