



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

OCT 19 2001

Mr. Christian W. Solum
Principal Hazardous Materials Specialist
Westinghouse
Savannah River Company
Aiken, SC 29808

Ref. No. 01-0241

Dear Mr. Solum:

This is in response to your September 14, 2001 letter concerning shipping paper and marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You have a hazardous material described as "Radioactive material n.o.s., 7, UN 2982." This material does not meet or exceed the reportable quantity (RQ) for any radionuclide, however, it does exceed the RQ for mercury. You ask if the HMR allows an offeror of a Class 7 material that meets or exceeds the RQ for a hazardous substance other than a radionuclide to identify the chemical hazardous substance by name and enter the hazardous substance in parentheses on a shipping paper entry or as a package marking. You state that Class 7 materials are excepted from these requirements by §§ 172.203(c) and 172.324(a).

Your understanding is incorrect that §§ 172.203(c) and 172.324(a) except all Class 7 materials from the shipping paper and package marking requirements for hazardous substances other than radionuclides. Section 172.203(c) excepts Class 7 materials that are described in accordance with § 172.203(d) from the additional shipping paper description for hazardous substances. Section 172.203(d)(2) requires the name of each radionuclide to be shown on the shipping papers. Only if your material is described in accordance with § 172.203(d) is it excepted from § 172.203(c). The same holds true for § 172.324; you are only excepted from the package marking requirements for hazardous substances if your radioactive material is labeled in accordance with § 172.403. Section 172.403(g) requires that the name of the radionuclides is identified on the label. Only if your material is labeled in accordance with § 172.403 is it excepted from the package marking requirements of



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§ 172.324. If your material is not described in accordance with § 172.203(d) and your package is not labeled in accordance with § 172.403, you must identify mercury as a hazardous substance on your shipping papers and also in your package markings.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Delmer F. Billings". The signature is written in a cursive style with a horizontal line through the middle of the letters.

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

Westinghouse
Savannah River Company
Aiken, SC 29808



September 12, 2001

FSS-SSD-2001-06311

Mr. Edward T. Mazzullo
Director, Office of Hazardous Material Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Johnsen
§172.203
Shipping Papers
01-0421

Dear Mr. Mazzullo:

Westinghouse Savannah River Company (WSRC) is inquiring about the application of the regulations as currently written for Class 7 materials that also contain a reportable quantity of a chemical hazardous substance. To this end, on August 16, 2001, I spoke with Ben Supko, who also consulted Diane LaValle and John Gale of your staff concerning the scenario below.

One pound of mercury (RQ=1 lb.) is contained in a Type A quantity of RADIOACTIVE MATERIAL, N.O.S., 7, UN2982 with no reportable quantity being present for the nuclides contained in the matrix. Accordingly, shipping papers would be completed in compliance with 49 CFR Subtitle B, Chapter I, Subchapter C, Part 172, Subpart C and the package marked in compliance with the requirements of Subpart D. As required by 49 CFR 172.203(c)(2) and 172.324(b) the letters "RQ" would be entered on the shipping papers and marked on the package. However, as written, for Class 7 materials, both 49 CFR 172.203(c) and 172.324(a) exempts the shipper from identifying the chemical hazardous substance by name and entering the hazardous substance in parentheses on a shipping paper entry or as a package marking.

WSRC believes the intent of the Hazardous Material Regulations (HMR) is better served by including as a shipping paper entry and as a package marking, in parentheses, a chemical hazardous substance described in the example above. Would this be improper under the HMR?

Sincerely,

Christian W. Solum, Principal Hazardous Material Specialist