



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, SE
Washington, D.C. 20590

MAR 18 2010

Ms. Dana Willaford
Transportation Safety
U.S. Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831

Ref. No. 10-0001

Dear Ms. Willaford:

This responds to your email dated December 30, 2009 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding requirements for Class 7 (radioactive) materials. You request clarification of a letter of interpretation that was issued November 24, 2009 (Ref. No. 09-0231). Your questions are summarized and answered as follows:

- Q1) The PDF file on the PHMSA website did not include the complete incoming letter from Mr. Rodney Johnson requesting clarification. Can you please provide a complete copy of the incoming request from Mr. Johnson?
- A1) The complete incoming letter from Mr. Rodney Johnson along with our response (Ref. No. 09-0231) is attached. In addition, we have updated our website to include the complete incoming letter.
- Q2) Please clarify the statement in your letter, "*Thus, the package or unpackaged Class 7 (radioactive) material must display either the Class 7 (radioactive) placards or the appropriate labels to comply with the placarding requirements of Subpart F of Part 172.*" I interpret this statement to mean that "*appropriate labels*" are the required labels. Section 173.427(a)(6)(vi) provides for an exception to package labeling when the package is marked as required. Therefore, no labels are required when LSA/SCO shipments are conducted as "exclusive use" shipments in accordance with § 173.427(a)(6)(vi).
- A2) LSA and SCO shipments consigned as "exclusive use" in accordance with § 173.427(a)(vi) are exempted from the requirement to label the packages. The shipper is not required to take advantage of this exception; and, in some circumstances may apply labels in place of placards (see § 172.514(c)) to satisfy the placarding requirements in Subpart F of Part 172.

Q3) Section 172.514(a) requires placards to be affixed as specified for the material in §§ 172.504 and 172.505. Section 172.504 requires placards for Class 7 materials only under two conditions:

1. When a shipment contains a packaging that is required to bear a Radioactive Yellow III label; or,
2. LSA/SCO shipments transported as “exclusive use” in accordance with §§ 173.427(b)(4) and (5) or (c).

My understanding is that § 173.427(a)(6)(vi) excepts LSA/SCO shipments conducted under “exclusive use” provisions from labeling. Section 173.427 requires vehicles carrying LSA/SCO as “exclusive use” in accordance with § 173.427(a)(6) to bear placards. Since labels are not required on radioactive materials packagings properly prepared as specified in § 173.427(a)(6), a placard is not required on the packaging. However, the transport vehicle must be placarded. Is this interpretation correct?

A3) No. Section 172.504 (Table 1, Footnote 1) requires placards to be applied to bulk packages and transport vehicles containing LSA/SCO transported as “exclusive use” in accordance with §§ 173.427(b)(4) and (5) or (c). Thus, placards are required on the packages for such shipments whether or not labels are required. Placards must also be affixed to the transport vehicle, however, § 172.516 provides that the requirement to placard a motor vehicle may be met by the placards displayed on a freight container or portable tank loaded on a motor vehicle. For other types of bulk packages, placards must also be displayed on the motor vehicle.

Q4) Could you clarify the statement in your letter that specifies placarding “unpacked material”? I cannot find any requirement in Part 172 that addresses placarding unpackaged material.

A4) Section 172.504(e), Table 1 (Footnote 1) requires Radioactive placards for “exclusive use” shipments of LSA/SCO transported in accordance with § 173.427(c). Section 173.427(c) authorizes LSA-I and SCO-I to be transported “unpacked”. Thus placards are required for unpackaged LSA-I and SCO-I transported as exclusive use in accordance with § 173.427(c).

I hope this answers your inquiry. If you need further assistance, please contact this office at 202-366-8553.

Sincerely,



Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

[Attachment]



**U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

NOV 24 2009

Mr. Rodney Johnson
Manager Nuclear Licensing
Fermi 2
200 TAC
6400 N. Dixie Hwy
Newport, MI 48166

Ref. No.: 09-0231

Dear Mr. Johnson:

This is in response to your letter dated October 8, 2009 requesting clarification of the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180) applicable to the hazard communication requirements for Class 7 (radioactive) material. In your letter you describe the material as "UN2913, Radioactive material, surface contaminated object (SCO-II), 7" transported as "exclusive use" in accordance with § 173.427(a)(6). The material is offered for transportation and transported in a bulk container that has a volumetric capacity of 96 cubic feet (2.7 cubic meters). Your questions are summarized and answered as follows:

Q1) Must the container be placarded on all 4 sides?

A1) No. A package with a volumetric capacity of less than 18 cubic meters (640 cubic feet) may be placarded on two opposing sides or, alternatively, may be labeled instead of placarded in accordance with Part 172, Subpart E. See § 172.514(c).

Q2) Can the container be labeled: Class 7, Radioactive White-I, Yellow-II or Yellow-III as appropriate, instead of placarded in accordance with § 172.514(c).

A2) Yes. See A1.

Q3) Can this package be marked "RADIOACTIVE-SCO" without being placarded or labeled?

A3) No. Packaged or unpackaged LSA or SCO containing less than an A₂ quantity of Class 7 (radioactive) material is excepted from marking and labeling requirements of the HMR provided the surface of each package or unpackaged Class 7 (radioactive) material is stenciled or otherwise marked "RADIOACTIVE-LSA" or "RADIOACTIVE-SCO" as appropriate. See § 173.427(a)(6)(vi). However, this exception does not provide relief

from the placarding requirements in Subpart F of Part 172. While labels may be displayed instead of placards in accordance with § 172.514(c), this is only an alternative method of satisfying the placarding requirements of Subpart F of Part 172. Thus, the package or unpackaged Class 7 (radioactive) material must display either the Class 7 (radioactive) placards or the appropriate labels to comply with the placarding requirements of Subpart F of Part 172.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is stylized and cursive, with the first name "Charles" written in a larger, more prominent script than the last name "Betts".

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

From: Betts, Charles (PHMSA)
Sent: Monday, January 04, 2010 3:33 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Questions regarding Letter of Interpretation 09-0231
Importance: High
Attachments: 090231.pdf

Eichenlaub
 § 173.427
 § 172.514
 Placarding / RAM
 10-0001

From: Willaford, Dana M [mailto:WillafordDM@oro.doe.gov]
Sent: Wednesday, December 30, 2009 8:03 AM
To: Betts, Charles (PHMSA)
Cc: Boyle, Rick (PHMSA)
Subject: Questions regarding Letter of Interpretation 09-0231

Mr. Betts:

I am requesting clarification regarding your interpretation letter, 09-0231 (attached) regarding placarding for LSA/SCO shipments. The interpretation addressed the requirements in 173.427(a)(6)(v).

The PDF file on your interpretations website did not include the full letter that was submitted by Mr. Rodney Johnson. We maintain a reference file on various interpretations. Is it possible for you to provide the full letter?

Also, could you please clarify the statement in your letter, "*Thus, the package or unpackaged Class 7 (radioactive) material must display either the Class 7 (radioactive) placards or the appropriate labels to comply with the placarding requirements of Subpart F of Part 172.*"? I interpret this statement to mean that "*appropriate labels*" are the required labels. 173.427(a)(6)(vi) provides for an exception to package labeling when the package is marked as required. Therefore, no labels are required when LSA/SCO shipments are conducted as exclusive use shipments in accordance with 173.427(a)(6)(vi).

Section 172.514(a), Bulk Packagings, requires placards to be affixed as specified for the material in 172.504 and 172.505. Section 172.504 requires placards for Class 7 materials only under two conditions:

- when a shipment contains a packaging that is required to bear a Radioactive Yellow III label
- LSA/SCO shipments, when transported in accordance with 173.427(b)(4), (5) or (c). Each of these sections in 173.427 provides for the shipment to be conducted under exclusive use provisions.

My understanding is that 173.427(a)(6)(vi) excepts LSA/SCO shipments conducted under exclusive use provisions from labeling. 173.427(a)(6)(v) requires exclusive use LSA/SCO shipments to have placarded vehicles. Since labels are not required on radioactive materials packagings properly prepared as specified in 173.427(a)(6), a placard is not required on the packaging. however, the transport vehicle must be placarded.

Additionally, could you clarify the statement in your letter that specifies placarding unpackaged material? I cannot find any requirement in Part 172 that addresses placarding unpackaged material.

Respectfully,

Dana M. Willaford

Department of Energy, Oak Ridge

Dana M. Willaford
Packaging & Transportation Safety

Aviation Manager/Safety Officer

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