



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

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

DEC 23 2002

Mr. Michael S. Krupka
BAE Systems
P.O. Box 0868
Nashua, NH 03061-0868

Ref No. 02-0246

Dear Mr. Krupka:

This is in response to your September 10, 2002 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the excepted package notice requirements found in § 173.422(a)(2). Specifically, you question the accuracy of Identification Number UN2910 as referenced in the statement "this package conforms to the conditions and limitations specified in 49 CFR 173.424 for radioactive material, excepted package-instruments or articles, UN2910". You state that UN2910 does not coincide with the corresponding entry in the HazMat table found in § 172.101 relative to column (1) [Symbols] or column (2) [Hazardous materials descriptions and proper shipping names]. Further, you request authorization to modify the notice statement as presented by replacing the UN2910 designation with UN2911 to provide for consistency with the International Air Transport Association (IATA) Dangerous Goods Regulations and the TS-R-1 IAEA Regulations for the Safe Transport of Radioactive Material Section V paragraph 535 requirement.

This Office is aware of the Identification Number discrepancy found in § 173.422(a)(2). We have addressed this issue in a notice of proposed rulemaking under docket HM-215E, published in the Federal Register on December 3, 2002. Please refer to our website at <http://hazmat.dot.gov> under the Rules and Regulations icon, in the Rulemakings and Federal Register Notices section.

The IATA standards do not have official standing under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180); however, the International Civil Aviation Organization's (ICAO) Technical Instructions do have official standing. Section 171.11 of the HMR authorizes the use of the ICAO Technical Instructions in lieu of the HMR for packaging, marking, labeling, classifying, and describing hazardous materials which are transported by air and by motor vehicle either before or after being transported by air. Part 2; paragraph 7.9.6 of the ICAO Technical Instructions states that, an empty packaging which had previously contained radioactive material may be transported as an excepted package.

In addition, Part 3; Special Provision A130 of the ICAO Technical Instructions requires that when this material meets the definitions and criteria of other classes or divisions, it must be classed in accordance with the predominant subsidiary risk. Such material must be declared under the proper shipping name

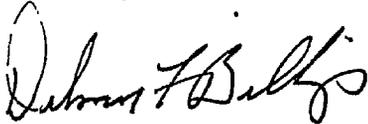
and UN number appropriate for the material in that predominant class or division, with the addition of the name applicable to this radioactive material, and must be transported in accordance with provisions applicable to that UN number.

Further, the January 31, 2002 addendum to the ICAO Technical Instructions includes the addition of paragraph "4.5 Documentation for Radioactive Material, Excepted Package" to Part 5, Chapter, providing the proper shipping name and UN number: "Radioactive material, excepted package - instruments (UN2911)"; or "Radioactive material, excepted package - articles (UN2911)."

Provided your package is transported by air and by motor vehicle either before or after being transported by air, the ICAO amendment could be applicable to your intent to modify the notice statement as presented by replacing the UN2910 designation with UN2911. If your shipment is not being transported by air and by motor vehicle either before or after being transported by air, your request for authorization to modify the notice statement as presented by replacing the UN2910 designation with UN2911 should be addressed according to the application for exemption process found in § 107.105 of the HMR.

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,



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

BAE SYSTEMS

September 10, 2002

Edward Mazzullo, Director
Office of Hazardous Materials Standards, DHM-10
U.S. Department of Transportation
400 Seventh Street SW
Washington, DC 20590-0001

Foster
~~§ 172.101~~
173.422
HM-215E
02-0246

Re: 49CFR 173.422

Dear Mr. Mazzullo :

I am writing to request your assistance relative to the excepted package notice requirements as stated in §173.422.

The issue relates to the present wording in §173.422(a)(2) which is stated as follows:

"This package conforms to the conditions and limitations specified in 49 CFR 173.424 for radioactive material, excepted package-instruments or articles, UN2910".

The UN2910 identification number referenced in this statement does not coincide with a corresponding entry in the table listed within §172.101 relative to column (2) [Hazardous materials descriptions and proper shipping names] and column (1) [Symbols] with respect to the "I" designation.

If this is in fact an unintentional inconsistency, I would like your authorization to modify the notice statement as presented by replacing the UN2910 designation with UN2911. This will allow the UN designation to be consistent with the excepted package marking requirements in 10.7.1.3.2 of the IATA Dangerous Goods Regulations and the TS-R-1 IAEA Regulations for the Safe Transport of Radioactive Material Section V paragraph 535 requirement.

Your assistance with this matter is greatly appreciated.

Sincerely,

Michael S. Krupka

Michael S. Krupka