



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

SEP 8 2006

Mr. Philip C. Rieke  
Hazardous Materials Training Compliance  
7109 West Wernett Road  
Pasco, WA 99301

Ref. No. 06-0188

Dear Mr. Rieke:

This is in response to your letter requesting clarification of the shipping paper and marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to limited quantities of Class 7 (radioactive) materials. Specifically, you ask about the appropriate shipping description for limited quantity shipments for which shipping papers are required and package marking requirements for excepted packages.

Sections 173.421, 173.424, 173.426 and 173.428 contain requirements for transporting excepted quantities of Class 7 (radioactive) materials, including limited quantities. If you are preparing packages for shipment in accordance with these sections, you may take advantage of the additional exceptions in § 173.422. The introductory paragraph of § 173.422 excepts such packages from all other HMR requirements except for the requirements in § 173.422 and the applicable packaging section (such as § 173.421). Unless the package contains a Class 7 (radioactive) material that is also a hazardous substance or hazardous waste, no shipping paper is required. In accordance with § 172.203(b), for a limited quantity shipment that also is a hazardous substance or hazardous waste, when the words "limited quantity" are part of the proper shipping name, you need not repeat the words "limited quantity" following the basic description.

With respect to the identification number of the material being transported, you are correct that it's marking on the package is not required to be placed within a square-or-point border for packages prepared for shipment as described in the above paragraph.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

173.422



060188

**Hazardous  
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*McIntyre*  
*§ 172.315*  
*§ 173.422 (a)*  
*RAM*  
*06-0188*

August 2, 2006

Mr. Edward T. Mazzullo, Director  
Office of Hazardous Materials Standards  
PHH-10  
400 7<sup>th</sup> Street SW  
Washington, DC 20590-0001

Dear Mr. Mazzullo,

In the past couple of years, there have been a number of regulatory changes affecting the shipment of Class 7 (radioactive) materials in Subpart I of Part 173 that might have had an affect on communication regulations in Part 172, but there weren't necessarily changes in Part 172 in response.

Recently there has been some confusion specific to shipments of limited quantities of Class 7 materials and how they should be prepared. The conflict that seems to have arisen starts in Part 172.203(b) with an additional requirement on a shipping paper and then also in 172.315 with the fairly new marking requirement for limited quantities. Neither of these sections except shipments of Class 7 materials leading some to believe that they must comply with these sections. Others, like me, wonder if that is a correct understanding; or possibly a conflict? Would these two sections apply to Class 7 limited quantities or not?

I know that for many years, limited quantities of Class 7 materials were specifically excepted from any and all shipping paper requirements and that certain types of shipments only in the past few years now do require shipping papers (ltd qty that is also a hazardous substance or hazardous waste). Since the regulations for many years never required shipping papers for the limited quantities of Class 7, there was certainly no need to speak to whether Class 7 shipments had to apply 172.203(b) or were excepted from it. If these Class 7 shipments were to have to comply with 172.203(b), there would be a duplication since the Class 7 proper shipping name already includes the phrase "limited quantity of material" which no other proper shipping name for any other hazard class or division of material does.

In terms of the marking requirements, there seems to be a fairly clear path for 172.315 not to apply to Class 7 limited quantities. Though 172.315 is silent for Class 7, 173.421(a) is quite clear that these shipments are excepted from the specification marking requirements of this subchapter, other than the UN identification number requirement described in 173.422(a). In 173.422(a), it says nothing about putting the ID number in a diamond or having the opportunity to substitute the proper shipping name instead. I would have considered 172.315 a specification marking anyway, indicating that it would not apply in this case.

Please clarify these two sections if you would and let me know PHMSA's stance whatever that might be at your earliest convenience.

Sincerely,

*Philip C. Rieke*  
Philip C. Rieke, Owner  
HMTC Training & Consulting