



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

FEB 27 2019

1200 New Jersey Avenue, SE
Washington, DC 20590

Ms. Jennifer Eberle
Manager, Transportation Compliance
Industrial Business
Veolia North America
1 Eden Lane
Flanders, NJ 07836

Reference No. 18-0027

Dear Ms. Eberle:

This letter is in response to your February 22, 2018, letter and your and Ms. Liza Krass' March 28, 2018, telephone conversations with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to excepted packages for limited quantities of Class 7 (radioactive) materials transported by motor vehicle for disposal.

In these communications, you described a packaging configuration consisting of non-specification, non-bulk fiberboard boxes containing excepted quantities of Class 7 (radioactive) materials. Specifically, the boxes contain a sealed polyethylene bag containing frozen animal carcasses contaminated with low levels of Tritium (T(H-3)) and Carbon 14 (C-14), which is placed in the box along with absorbent materials and mixed dry waste, including lab debris, glass, and plastic, that is contaminated with biological or radioactive material. You confirmed that the boxes' contents do not meet the definition of a "hazardous substance" nor a "hazardous waste" in § 171.8 of the HMR. You also confirmed that the boxes and their contents comply with all applicable provisions in §§ 173.410, 173.421, and 173.422, including the general packaging requirements in Subparts A and B of 49 CFR Part 173.

You further stated that each box is marked with the appropriate UN numbers and the word "RADIOACTIVE." These boxes are shrink-wrapped to a pallet. Because the shrink wrap obscures the "RADIOACTIVE" marking on the box, the outside of the shrink wrap is also marked with the word "RADIOACTIVE." The pallets are transported by motor vehicle for disposal.

Q1: You ask whether the packaging configuration you described meets the packaging requirements of 49 CFR §§ 173.421 and 173.410.

A1: Provided each box that has been prepared for shipment is surveyed for radiation levels at the surface of each package on all six sides and does not exceed 0.005mSv/h, the activity of the box does not exceed the limited quantity package limits specified in Table 4 in § 173.425, and the identification number (e.g., UN2910) marking for the materials is in letters and numbers at least 12 mm in height, based on the information you provided it is the opinion of this Office that the boxes comply with §§ 173.410 and 173.421.

Q2: You ask whether the completed pallet secured with shrink-wrap can be indicated as a single container on the shipping paper.

A2: The answer is no.

The closed box meets the definition of a "package" for Class 7 materials (see § 173.403). Section 173.403 describes a Class 7 packaging as "the assembly of components necessary to ensure compliance with the packaging requirements of" 49 CFR Part 173, Subpart I (Class 7-Radioactive Materials); and a package as "the packaging together with its radioactive contents" that meets the HMR requirements for transport. The enclosure you use (i.e., the shrink wrap and pallet) to consolidate the packages meets the definition of an "overpack" when used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages (see § 171.8).

However, the HMR do not require the packages (in this instance, the individual boxes) to be described on a shipping paper (see § 173.421, introductory paragraph).

Additionally, because you stated the shrink wrap obscures the markings on the box, we want to clarify that in accordance with § 173.25(a)(2), if any of the required marks and labels are not visible on the packages through the shrink-wrap, they must be repeated on the outer surface of the overpack.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,



T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



Edmonson
173.421+173.410
Packaging Excepts
18-0027

February 22, 2018

Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
US Department of Transportation
East Building
1200 New Jersey Avenue SE.
Washington DC 20590-0001

Request for Interpretation Regarding the Use of a Shrink Wrapped Pallet as an Outer Package for the Transportation of Limited Quantities of Class 7 Radioactive Materials (Excepted Package)

To Whom It May Concern:

Please accept this letter as a request for a formal written interpretation from your office. Veolia currently prepares excepted packages of limited quantities of Class 7 radioactive materials for transportation to the processing disposal facility. The packagings are prepared in accordance with the requirements of 49 CFR §173.421 *Excepted packages for limited quantities of Class 7 (radioactive) materials*. An example of the packaging configuration used for these shipments includes frozen animal carcasses which are contaminated with low levels of tritium and carbon 14, placed into a sealed bag, the bag is then placed into a non-UN specification non-bulk carton fiber package containing absorbent materials and possibly mixed dry waste including PPE, lab debris, glass, plastic, etc. The closed non-UN specification non-bulk carton fiber packagings are then loaded onto a pallet and secured with shrink-wrap. Veolia believes that this entire packaging configuration meets the general design requirements of 49 CFR §173.410.

- 1) Does PHMSA agree that the complete packaging configuration as described meets the packaging requirements of 49 CFR 173.421 and 173.410?
- 2) If so, does PHMSA agree that it is correct for Veolia to indicate each completed pallet secured with shrink-wrap as a single container on the shipping paper (e.g. 1 pallet)?

Your written response to this request is greatly appreciated. If you require any further information regarding this request please feel free to contact me at jennifer.eberle@veolia.com / 973-691-7331.

Thank you,

Jennifer Eberle
Manager, Transportation Compliance
Industrial Business
VEOLIA NORTH AMERICA

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