



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 8, 2021

John B. Woodbury  
Packaging Management Council Coordinator  
3533 15<sup>th</sup> Street E  
Lewiston, ID 83501

Reference No. 20-0073

Dear Mr. Woodbury:

This is in response to your September 3, 2020, letter requesting further clarification of Letter of Interpretation (LOI) Reference No. 20-0031 issued on May 19, 2020, by the Pipeline and Hazardous Materials Safety Administration (PHMSA) pertaining to the inclusion of information about radionuclides on shipping papers and labels. In response to a question about the name of radionuclides that must be included on a shipper paper in accordance with § 172.203(d)(1), we stated:

“The answer is no, unless the Class 7 (radioactive) material is a mixture. In accordance with § 172.203(d)(1), the name of each radionuclide listed in the § 173.435 table must be displayed on the shipping paper. Furthermore, § 172.203(d)(1) requires that if the Class 7 (radioactive) material is a mixture of radionuclides, the names of the radionuclides that need to be displayed on the shipping paper are to be determined in accordance with § 173.433(g). Therefore, if the shipment is not a mixture of radionuclides, and the radionuclide is not found on the § 173.435 table, the name of the radionuclide is not required to be on the shipping paper. However, it is permissible to list the radionuclide on the shipping paper even if it is not listed on the § 173.435 table.”

We have paraphrased and answered your questions as follows:

- Q1. You note that in LOI 20-0031, we state “unless the Class 7 (radioactive) material is a mixture.” You ask what to do for instances of a mixture where radionuclide(s) are to be listed in accordance with § 173.433(g), yet the radionuclides are not listed in § 173.435.
- A1. Sections 172.203(d)(1) and 172.403(g)(1) require that for mixtures of radionuclides, the radionuclides that need to be displayed on the shipping paper or label, respectively, should be determined in accordance with § 173.433(g). Furthermore, § 173.433(g) provides a formula to determine the radionuclides that must be shown on the shipping

paper and label. However, if the formula cannot be used because the radionuclides are not found on the §§ 173.435 or 173.436 tables, an offeror should reference § 173.433(b). This paragraph specifies that when the individual radionuclides are not listed in the §§ 173.435 or 173.436 tables or where no relevant data is available, an offeror should use either the radionuclide values in Tables 7 or 8 of § 173.433 or other basic radionuclide values that have been approved by the Associate Administrator. Please note that it is permissible to list additional radionuclides than the minimum requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

- Q2. Under § 172.204(a)(1), a shipper must certify that the hazardous material is being offered in accordance with the HMR with the statement: “This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in all respects in proper condition for transportation according to the applicable regulations of the Department of Transportation.” You ask how the shipper can certify or declare that the shipment is properly described if the unlisted radionuclides are not included on the shipping paper or labels.
- A2. To properly certify a shipment in accordance with § 172.204, the person signing the certification must have direct knowledge that the material is properly classified for transportation and that the hazardous material is in proper condition for transportation (i.e., properly classified, described, packaged, marked and labeled in accordance with the HMR). The HMR requires the inclusion of information on the radionuclides as described in A1. Again, while the HMR may not require the listing of some radionuclides present in the package, it would be permissible to list those in addition to the required radionuclides.
- Q3. You ask whether it is acceptable to list the radionuclide not listed in § 173.435 (e.g., Es-254) and use the Tables 7 and 8 in § 173.433(g) to derive A<sub>1</sub> and A<sub>2</sub> values.
- A3. The answer is yes.

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

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)  
**Subject:** FW: Request for Interpretation  
**Date:** Friday, September 4, 2020 12:59:00 PM  
**Attachments:** [LOI to 20-0031.pdf](#)

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Dear Alice,

Please see below for a letter of interpretation request. The LOI that this relates to (20-0031) was written by Shelby. I already gave her a heads up that this might be assigned to her.

Please contact our office with any questions.

Thank you,

Sarah (HMIC)

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**From:** John Woodbury [mailto:[jwoodbury@bgs-llc.com](mailto:jwoodbury@bgs-llc.com)]  
**Sent:** Thursday, September 3, 2020 1:30 PM  
**To:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Subject:** Request for Interpretation

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Please address the issue that is raised in the attached letter.

*John B. "Woody" Woodbury*

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