



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV 26 1999

Mr. Kevin M. Lee
Licensing Engineer
Chem-Nuclear Systems
740 Osborn Road
Barnwell, SC 29812

Reference No. 99-0143

Dear Mr. Lee:

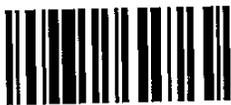
This is in response to your May 26, 1999 letter and June 23, 1999 telephone conversation with Mr. Wendell Carriker and Ms. Eileen Mack of the Office of Hazardous Materials Safety. You asked whether an orange panel marking must be removed or covered on a bulk DOT 7A-Type A package, with a polyethylene liner, that contains residue of "Radioactive material, LSA, n.o.s., 7, UN 2912" or "Radioactive material, n.o.s., 7, UN 2982." You stated the package is empty and transported in accordance with § 173.428 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Based on the information you provided, if the package is prepared in accordance with § 173.428 (that is; it meets the packaging, definition, and EMPTY labeling requirements specified in that section), then the orange panel and other markings required by the HMR for this material must be removed or covered during transportation. Furthermore, under § 173.428, the shipper is excepted from having to provide a shipping paper and shipper's certification. For your information, please note that the requirements in § 173.422(b) pertaining to training, incident and decontamination reporting would apply.

I hope this satisfies your request.

Sincerely,

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



990143

173.425



CHEM-NUCLEAR SYSTEMS

740 Osborn Road • Barnwell, South Carolina 29812

Mack
§ 173.428
99-0143
May 26, 1999
LC-395-99-KML

RSPA Office of Hazardous Materials Standards (DHM-10)
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

Dear Sir/Madam:

I am requesting a written clarification pertaining to the display of orange panels and other markings required on bulk packages containing hazardous materials.

We commonly receive packages containing "Radioactive Material, LSA, n.o.s., 7, UN2912 or Radioactive Material, n.o.s., 7, UN2982 which have "2912" or "2982" displayed on orange panels as appropriate. We then empty these packages of their contents and ship them back as empty packages in accordance with 49 CFR 173.428, which specifically states that you must remove, obliterate, or cover any labels previously applied to the package. It does not require the same for any of the previously applied markings. The package still contains the residue of the material identified by the orange panel or any other markings required by 49 CFR 172 Subpart D. Is it appropriate to display the orange panels and/or other markings previously applied to the package when it is shipped as an empty package according to 49 CFR 173.428?

If you have any questions, please do not hesitate to contact me at (803) 541-5012. Thank you for your assistance.

Sincerely,
Chem-Nuclear Systems, LLC

Kevin M. Lee
Licensing Engineer