



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV - 8 2000

Mr. Anthony L. Patko
Manager, Engineering and Licensing
Allied Technology Group, Inc.
669 Emery Valley Road
Oak Ridge, TN 37830

Reference No.: 00-0241

Dear Mr. Patko:

This is in response to your August 25, 2000 letter concerning the acceptability of hinged hazard warning labels for use on packages under the Hazardous Materials Regulations (49 CFR Parts 171-180). In a subsequent letter, you submitted a sample, flip-type hinged RADIOACTIVE label for our review.

It is our opinion that the sample label meets the minimum requirements prescribed in § 172.407 and is acceptable for use on packages of hazardous materials. Thank you for allowing us to keep sample label for our files.

Please contact us if we can be of further assistance.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous Materials
Standards



Corbin
2 172.407
Labeling
00-0241

August 25, 2000

Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards
US DOT/RSPA (DFM-10)
400 Seventh Street, S.W.
Washington, DC 20590-0001

Submitted via FAX: 202.366.3012

Subject: Use of Hinged Labels

Reference: 49 CFR 172

Dear Mr. Mazzullo:

The purpose of this communication is to obtain your concurrence to the regulatory validity of using hinged labels on packages shipped under the applicable labeling requirements of 49 CFR 172.

The attachment of a label to a package is discussed in 49 CFR 172.304, Marking requirements, under sub § (a): "*The marking required in this subpart - (1) Must be durable, in English and printed on or affixed to the surface of a package or on a label, tag or sign*". Hinged labels, as long as they meet the durability, language and other requirements listed under (2) through (4) of (a) above, fit into this category.

49 CFR 172.407, Label Specification, under sub § (a) also refers to labels as "*printed on or affixed to a package*". Thus these sections of the regulation simply require the label to be "*printed on or affixed to the surface of a package*". The use of hinged labels meets the criteria of "*affixed to the surface of a package*."

49 CFR 172.516 (e), states (bolding added for clarity): "(e) A **placard or placard holder** may be **hinged** provided the required format, color, and legibility of the placard are maintained."

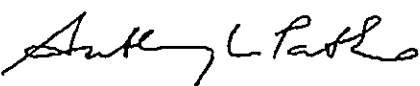
Since hinged placards/placard-holders are allowed and since labels and placards are of equal importance, the use of hinged labels on a package is a valid practice. As long as the hinged design does not violate the visibility and display requirements of 49 CFR 172, their use meets the regulatory requirements and is consistent with the use of hinged placards. Therefore, packages (e.g., casks) equipped with hinged labels are allowed under the DOT regulations, specifically under 49 CFR 172.

Your concurrence to the above is hereby requested or if you disagree with the above reasoning, please provide guidance on the above subject. Thank you for your assistance.

Mr. Edward Mazzullo, Director
Page 2 of 2

Should you wish to contact me, please feel free to call me at 865.425.5030 or you can reach me via e-mail at PatkoT@atgusa.com.

Sincerely,



Anthony L. Patko
Manager,
Engineering and Licensing

US DOT/RSPA (DHM-10) CONCURRENCE

Comments:

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.....
.....

Date:

By:

Print Name:



October 12, 2000

Ms. Gigi Corbin
Office of Hazardous Materials Standards
US DOT/RSPA (DHM-10)
400 Seventh Street, S.W.
Washington, DC 20590-0001

Subject: **Use of Hinged Labels**

Reference: My Letter to Mr. Ed Mazzullo, Dated August 25, 2000
49 CFR 172

Dear Ms. Corbin:

Thank you for your message from last week. In response to your verbal request, enclosed please find one of the flip chart type hinged labels my above referenced letter to Mr. Mazzullo discusses.

Again, your concurrence is being solicited as to the acceptability of these labels for use on DOT Specification 7A, Type A packages under the provisions of 49 CFR 172.

Should you have further questions regarding the above or the enclosure, please feel free to contact me at 865.425.5030 or via e-mail at tony.patko@atgcusa.com (Note new e-mail address!)

I am looking forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Anthony L. Patko". The signature is written in a cursive style.

Anthony L. Patko
Program Manager, Licensed Products

Enclosure