



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

FEB 20 2001

Mr. Charles H. Cruse
Vice President Nuclear Energy
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, Maryland 20657

Reference No.: 00-0284

Dear Mr. Cruse:

This is in response to your September 29, 2000 letter requesting a clarification on the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) concerning the requirements for placarding radioactive materials. Specifically, you request a clarification of the footnote to §172.504, Table 1, which states that a RADIOACTIVE placard also is required for exclusive use shipments of low specific activity (LSA) material and surface contaminated objects (SCO) transported in accordance with § 173.427(a). It is your understanding that the RADIOACTIVE placard is only required for a shipment of LSA/SCO material that is required by § 173.427 to be consigned as "exclusive use".

Your understanding is correct. Note 1 requires placarding when a shipment is required to be consigned as exclusive use in conformance with § 173.427. Therefore, when a shipment of LSA/SCO material is not required to be consigned as "exclusive use" but the shipper chooses to ship the material in this manner, a placard is not required. This issue will be clarified in a future rulemaking.

I hope this information is helpful. Please contact this office if you need additional assistance.

Sincerely,

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



000284

Charles H. Cruse
Vice President
Nuclear Energy

1650 Calvert Cliffs Parkway
Lusby, Maryland 20657
410 495-4455



**Constellation
Nuclear**

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September 29, 2000

U.S. Department of Transportation
Director, Office of HazMat Standards
DHM-10
7th St. SW
Washington, D.C. 20590

ATTENTION: Mr. Edward Mazzullo

SUBJECT: Calvert Cliffs Nuclear Power Plant
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318
Clarification of Title 49 Code of Federal Regulations Part 172

The purpose of this letter is to request clarification of Title 49 Code of Federal Regulations (CFR) Part 172.

The footnote to 49 CFR 172.504, Table 1, states: "RADIOACTIVE placard also required for exclusive use shipments of low specific activity material and surface containment [*sic*] objects transported in accordance with 173.427(a) of this subchapter." However, 49 CFR 173.427(a)(6) indicates that the "RADIOACTIVE-LSA" or "RADIOACTIVE-SCO" placard is required only for low specific activity (LSA)/surface contaminated objects (SCO) shipments that are "required to be consigned as exclusive use".

Calvert Cliffs' understanding of these regulations is that the radioactive placard is only required for shipments of LSA/SCO material required to be shipped "exclusive use" (LSA/SCO shipments made in a strong, tight package). A placard is not required for LSA/SCO material shipments made in a Department of Transportation (DOT) Specification 7A, Type A package, even when shipped exclusive use, because the Specification 7A, Type A package is not required to be shipped exclusive use.

In previous revisions (c. 1991) of 49 CFR 172.504, Table 1, the footnote indicated the radioactive placard is required in "accordance with 49 CFR 172.425(b) or (c)." The previous version of 49 CFR 172.425(b) indicates placards are not required when shipping LSA material in a DOT Specification 7A, Type A package. This is consistent with our understanding of the requirement for placarding.

Through conversations with Mr. Fred Ferate of your office, we determined the intent of the regulations is consistent with our understanding. Mr. Ferate indicated the footnote to Table 1 is incorrect, and should be revised. Please provide a clarification of 49 CFR 172.504, Table 1, so that our utility can maintain compliance with DOT regulations.

Mr. Edward Mazzullo
September 29, 2000
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Should you have questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,



CHC/JKK/dlm

cc: Document Control Desk, NRC
R. S. Fleishman, Esquire
J. E. Silberg, Esquire
Director, Project Directorate I-1, NRC

A. W. Dromerick, NRC
H. J. Miller, NRC
Resident Inspector, NRC
R. I. McLean, DNR