



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

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

JAN 2 2003

Mr. James H. Portsmouth
Traffic Manager
Duratek Federal Services, Inc
345 Hills Street
Richland, WA 99352-0700

Reference No.: 02-0276

Dear Mr. Portsmouth:

This is in response to your letter requesting clarification of the shipping paper and marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You state the material is a hazardous waste subject to the EPA Uniform Hazardous Waste Manifest requirements and is described in accordance with § 172.203(d) as "Waste Radioactive material, LSA, n.o.s., 7, UN2912." This material does not meet or exceed the reportable quantity (RQ) for any radionuclide; however, it does meet the definition of a hazardous substance in § 171.8 for waste code D008.

Your questions are paraphrased and answered as follows:

Q1. Is the offeror of this material required to identify the hazardous substance by name or waste code in parentheses as a shipping paper entry or marking in accordance with §§ 172.203(c)(1) and 172.324(a) respectively?

A1. The answer is no. If a Class 7 material is described and labeled in accordance with §§ 172.203(d) and 172.403(g) respectively, the waste code of the hazardous substance required by §§ 172.203(c) and 172.324 does not have to be identified on the shipping paper and on the package.

Q2. Is it permissible to enter the hazardous constituent in parentheses as additional information on the shipping paper when the information is not required by § 172.203(c)(1)?

A2. The answer is yes.

I hope this satisfies your request.

Sincerely,

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



020276

172.203,
172.324



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River Protection Project Operations

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Coabin
§ 172.203 (c)(1)
§ 172.324 (a)
Shipping Papers
Marking
02-0276

October 3, 2002

JHP-02-2375

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
United States Department of Transportation
Research and Special Programs Administration (DHM-10)
400 7th Street, Southwest
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

HAZARDOUS SUBSTANCE SHIPPING PAPER AND MARKING REQUIREMENTS

Duratek Federal Services, Inc. (Federal Services) Training Services Department would like to request a letter of interpretation regarding shipping paper entry and marking requirements for Hazardous Substances; Title 49 *Code of Federal Regulations* (49CFR) §§ 172.203(c)(1) and 172.324(a) respectively.

If a shipment of Waste Radioactive material, LSA, n.o.s., 7, UN 2912, which qualifies as a hazardous substance for the D008 waste code (but not for a radionuclide), is being prepared for shipment, is the shipper required to identify the waste code in parenthesis as a shipping paper entry or marking in accordance with 49 CFR §§ 172.203(c)(1) and 172.324(a) respectively?

49 CFR § 173.203 (c)(1) requires that if a material meets the definition of a hazardous substance and the proper shipping name does not identify the hazardous substance by name, the name of the hazardous substance shall be entered in parenthesis in association with the basic description. However, this paragraph excepts radioactive materials described in accordance with paragraph (d) of that section. There is a similar exception regarding labeled Class 7 materials in 49 CFR §172.324 (a). The Waste Radioactive material, LSA n.o.s, 7, UN 2912 would be described in accordance with 49 CFR §172.203(d) and therefore would be excepted from 49 CFR §173.203(c)(1).

Is it the intent of the HMR to except radioactive materials that qualify as a hazardous substance based on 49 CFR 172.101, Appendix A, Table 1 in addition to those that qualify based on Table 2?

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Also, if the hazardous substance constituent is not required to be entered in parenthesis in accordance with §§ 172.203(c)(1) and 172.324(a), is it permissible to include it as additional information in the shipping paper or package markings?

yes.

Thank you for your consideration of this request.

Sincerely,

James H. Portsmouth

James H. Portsmouth
Traffic Manager

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DFSNW - R. W. Reddinger
J. H. Portsmouth
K.A. Smith
Contracts File/LB