



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

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

AUG 28 2003

Mr. Kenneth M. Grumski
MHF Logistical Solutions
800 Cranberry Woods Dr., Suite 450
Cranberry Township, PA 16066

Ref. No. 03-0061

Dear Mr. Grumski:

This is in response to your request for clarification of the term "exclusive use" as defined in 49 CFR 173.403. Specifically, you ask whether under § 173.427(a)(6)(i) a container shipment of Class 7 (radioactive) materials that is transported by railcar and transferred to a motor vehicle meets the definition of "exclusive use" in § 173.403.

Section 173.427(a)(6) applies to low specific activity materials and surface contaminated objects required to be consigned as exclusive use. Based on the information provided in your letter, if all applicable requirements are met, your shipment meets the definition of "exclusive use" in § 173.403. Transferring a shipment from a railcar to a motor vehicle does not preclude the shipment from meeting the definition provided the packages of Class 7 materials are contained in a freight container as defined in § 171.8.

I hope this information is helpful. If you have additional questions, please do not hesitate to contact this office.

Sincerely,

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



030061

173.403



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McIntyre

§ 173.403
§ 173.427(a)(6)(i)
Definitions
DB-0061

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EXT 5587

2/17/03

Michele M. Sampson
US Department of Transportation
Radioactive Materials Enforcement Program Manager
Room 8436
400 Seventh Street, S.W.
Washington D.C. 20590-0001

Re: Clarification Request

Dear Ms. Sampson:

Pursuant to our phone conversation on 2/13/03 about "exclusive use", I am following up with a formal request for clarification. Please clarify the following 49 CFR regulations about exclusive use in 49 CFR 173.427(a)(6)(i) "Shipments must be loaded by the consignor and unloaded by the consignee from the conveyance or freight container in which originally loaded; (ii) There must be no loose Class 7 (radioactive) material in the conveyance, however, when the conveyance is the packaging, there must be no leakage of Class 7 material from the conveyance; (iii) Packages must be braced so as to prevent shifting of lading under conditions normally incident to transportation; and, of particular interest, (iv) Specific instructions for maintenance of exclusive use shipment controls must be provided by the offeror to the carrier. Such instructions must be included with the shipping paper information."

Also: 49 CFR 173.403 defines "Exclusive Use (also referred to in other regulations as "sole use" or "full load") means sole use by a single consignor of a conveyance for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor."

Clarification: If an exclusive use container shipment is transported by one conveyance (railcar) then transferred to another conveyance (truck) [waste itself is never being handled in the transfer operation just the container it is secured in, is being transferred] while in route to its final destination and all paperwork (including the "exclusive use" paperwork) is transferred and signed for properly, then does that shipment meet the intent of "exclusive use" as defined and regulated in the above references?

Thank you again for your attention to this clarification request.

Sincerely,

Kenneth M. Grumski
Quality Assurance Manager



Kenneth M. Grumski
Quality Assurance Manager

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