



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

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

JUN - 5 2003

Ms. Kathryn W. Pacha, CET, CIT
Training Specialist
Duratek
140 Stoneridge Drive, Suite 500
Columbia, South Carolina 29210

Ref. No: 03-0112

Dear Ms. Pacha:

This is in response to your letter dated April 14, 2003 requesting clarification regarding the Class 7 (radioactive) materials marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask whether a shipper is required to affix an additional marking on a package (i.e., "Type A" or "Type B"), as appropriate in accordance with § 172.310(b), if the manufacturer's marking in accordance with § 178.350(b) is clearly visible.

It is not necessary that package marking entries required by Part 172, Subpart D be separate and distinct from those specified in § 178.350(b). A packaging which is properly marked "USA DOT 7A Type A" would satisfy the requirements of § 172.310(b). Likewise, any proper shipping name containing the words "radioactive material," when entered with letters at least ½ inch high on a package of radioactive materials would also satisfy that portion of the packaging marking requirements of § 178.350(b). A package merely marked "Type A" would not meet the requirements of § 178.350(b).

The requirement of § 172.310(b) applies not only to DOT 7A packages but to Type B and foreign certified packages as well. It should not be considered to mean that the "USA" portion of the marking requirement specified in § 178.350(b) may be omitted on purely domestic shipments. However, the inscription "USA" need not appear twice on a DOT 7A package destined for export.

I hope this satisfies your request.

Sincerely,

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



030112

172.310(b)



Duratek

140 Stoneridge Drive, Suite 500 • Columbia, South Carolina 29210 • Telephone (800) 925-1592 • Fax (803) 758-1834

Be Hs
§ 172.310 (b)
§ 178.350 (b)
Marking of RAM
03-0112

April 14, 2003

Mr. Richard W. Boyle
U.S. Department of Transportation
Research and Special Programs Administration
Room 8430, Nassif Building
400 Seventh Street, S.W.
Washington, DC 20590-0001

Dear Mr. Boyle:

Duratek Inc. requests an interpretation of the radioactive materials marking requirements associated with 49 CFR 172.310(b) versus 178.350(b).

Interpretation question:

If the manufacturer's marking [per Part 178.350(b)] is clearly visible and in ½" letters, does the shipper need to affix an additional marking on the package with "Type A" or "Type B", as appropriate [per Part 172.410(b)]?

The following regulatory requirements exist:

- 178.350(b) requires manufacturers to mark Type A packagings with "USA DOT 7A Type A" and "Radioactive Material."
- 172.310(b) requires shippers to mark Type A and Type B packages with "Type A" or "Type B" as appropriate in letters at least ½" high. A packaging which does not conform to Type A or Type B requirements may not be so marked.

Differences in interpretation:

Part 178 is a manufacturer's marking indicating the certification of the packaging. Part 172 is the shipper's marking requirement for offering the package for transportation. Hence, "A packaging which does not conform to Type A or Type B requirements may not be so marked." Therefore, the requirements in Parts 172 and 173 are not redundant since the shipper's marking indicates how the shipment is being made. Furthermore, shippers of radioactive material may authorize and use other packagings as Type A.



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Or

Part 178 is a manufacturer's marking indicating certification. Part 172.310(b) is only required when the manufacturer's marking do not provide compliance with this Part. If the manufacturer's marking is clearly visible and in ½" letters, then the shipper does not need to redundantly mark the package with "Type A" or "Type B", as appropriate. The shipper's package documentation per Part 173.415(a) is proof the initial packaging and final package conforms to the "Type A" or "Type B" requirements.

If this is the proper interpretation, then the wording should be more clear in the regulations, such as, "If the manufacturer's marking "Type A" is visible and in letters ½" high, the shipper does not need to remark the package. If the words are not visible, the shipper shall..."

Please provide a written response with the proper interpretation of these radioactive material marking requirements. If you have any questions, please call me at (803) 758-1870.

Sincerely,

Kathryn W. Pacha, CET, CIT
Training Specialist

c: William B. House
Mark S. Lewis