



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

SEP 27 2004

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

Mr. Dennis Ashworth
Director, Office of Transportation
Office of Environmental Management
U.S. Department of Energy, EM-11
1000 Independence Avenue, SW
Washington, D.C. 20585

Reference No.: 04-0199

Dear Mr. Ashworth:

This responds to your letter dated August 23, 2004 concerning the transport requirements for low specific activity (LSA) Class 7 (radioactive) materials in § 173.427 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). You state that DOE currently has an exemption, DOT-E 12469, which authorizes shipments of liquid LSA-II (radioactive) material, not exceeding an A₂ quantity, in DOT Specification MC 312 and DOT 412 cargo tanks. You also state that the exemption expires on December 31, 2004 and that DOE is trying to determine whether renewal of the exemption is required after October 1, 2004, when Docket No. RSPA-99-6283, (HM-230) titled "Compatibility with the Regulations of the International Atomic Energy Agency" becomes effective. Your questions are paraphrased and answered as follows:

Q1. Is the transportation of liquid LSA-II (radioactive) material in non-specification cargo tanks authorized under the HMR, as revised by HM-230?

A1. The answer is yes. As you correctly stated in your letter, § 173.427(b)(4) as revised under HM-230, authorizes, for less than an A₂ quantity, the use of any packaging that meets the general packaging requirements in §§ 173.24, 173.24a and 173.410.

Q2. Is transportation of liquid LSA-II (radioactive) material in cargo tanks equipped with bottom outlets authorized under the HMR, as revised by Docket HM-230?

A2. The answer is yes. As stated above, § 173.427(b)(4) authorizes, for less than an A₂ quantity, the use of any packaging that meets the general packaging requirements in §§ 173.24, 173.24a and 173.410. Section 173.427(b)(4) does not prohibit the use of



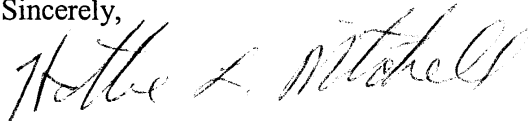
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bottom outlets. If, however, liquid LSA-I (radioactive) material is shipped under "exclusive use" in one of the DOT specification tank cars or cargo tank motor vehicles authorized under § 173.427(b)(5), for those packagings bottom outlets are not authorized.

I trust this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in black ink and is positioned above the printed name.

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



Department of Energy
Washington, DC 20585

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Mr. Edward Mazzullo
Office of Hazardous Materials Standards, DHM-10
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

The U.S. Department of Energy (DOE) is requesting a written clarification concerning the transport requirements for low specific activity (LSA) class 7 materials, as it relates to the shipment of liquid radioactive materials in cargo tankers.

DOE currently has an exemption, DOT-E 12469, which allows shipments of LSA-II liquid, not to exceed A₂ quantity, in DOT Specification MC 312 and DOT 412 cargo tankers. This exemption expires on December 31, 2004. DOE is trying to determine if renewal of this exemption is required after October 1, 2004, when HM-230 (*Hazardous Materials Regulations (HMR); Compatibility with the Regulations of the International Atomic Energy Agency*) becomes effective.

The revised 49 CFR 173.427(b)(5) allows liquid LSA-I radioactive material to be transported in particular specification cargo tankers that do not have bottom outlets. However, the revised 49 CFR 173.427(b)(4) also allows, for less than A₂ quantity, use of any packaging that meets 173.24, 173.24a, and 173.410. It appears that non-specification cargo tank with bottom outlets is authorized to be used if it is in compliance with 173.427(b)(4).

DOE is requesting a response to the following questions:

1. Is transportation of liquid LSA-II radioactive material in non-specification cargo tankers allowed by the revised HMR?
2. Are cargo tankers with bottom outlets allowed by the revised HMR for transporting liquid LSA-II radioactive material?



A written clarification on this matter would be greatly appreciated. Please send response me at U.S. Department of Energy, EM-11, 1000 Independence Avenue, SW, Washington, D.C. 20585.

If you have any questions regarding this request for clarification, please call Mr. Michael Conroy of my staff at (301) 903-2728 or Mr. Dennis Claussen, DOE Richland Office, at (509) 372-0938.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis Ashworth".

Dennis Ashworth
Director, Office of Transportation
Office of Environmental Management