



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

OCT 15 2004

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

Mr. Michael Micca  
PPL Susquehanna, LLC  
769 Salem Blvd.  
Berwick, PA 18655

Ref. No.: 04-0222

Dear Mr. Micca:

This is in response to your September 23, 2004 letter requesting clarification regarding the marking requirements for empty Class 7 radioactive materials packaging under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your scenario, you describe your packaging as one that meets the "empty" requirements for radioactive materials as specified in § 173.428. This section was modified under Docket HM-230 (69 FR 3632; January 26, 2004), effective October 1, 2004. Specifically, you ask if you need to remove, cover, or obliterate both the hazard communication markings (Part 172, Subpart E) and the specification package marking ("USA DOT 7A Type A") on your package to remain in compliance with § 173.428.

Based on the information provided, if the package is prepared in accordance with § 173.428 (that is, it meets the packaging, definition, and EMPTY labeling requirements specified in that section), then all other hazard communication markings required by the HMR for this material should be removed or covered during transportation. However, § 173.428 requires the identification number for the material to remain on the packaging as specified under § 173.422(a). In addition, the specification marking "USA DOT 7A Type A," as required under § 178.350(b) should remain on the packaging, unless, for some reason, the packaging no longer conforms to the Part 178 specification requirements.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

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



040222

173-428

## INFOCNTR

**From:** mcmicca@pplweb.com  
**Sent:** Thursday, September 23, 2004 2:56 PM  
**To:** INFOCNTR <RSPA>  
**Subject:** Information Center Comments/Questions

Satterthwaite  
§173.428  
Empty Package  
OH-0222

Below is the result of your feedback form. It was submitted by Michael C. Micca (mcmicca@pplweb.com) on Thursday, September 23, 2004 at 14:55:52.

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Email: mcmicca@pplweb.com

Name: Michael C. Micca

Category: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

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Comments: I am looking for a formal response (letter of interpretation) concerning the marking requirements for a container that was previously used, and therefore, marked, as a TYPE A packaging. The question pertains to the regulations in effect as of October 1, 2004. 49CFR173.422 and 49CFR173.428 require an empty packaging to be labeled with the EMPTY label and marked with the four digit UN ID number (UN2908). These regulations specifically state that any labels previously applied must be removed, obliterated or covered. The regulations do not mention removing, obliterating, or covering any markings on the package. For a package that was previously shipped as a TYPE A package and will be shipped as an EMPTY package in accordance with 49CFR173, what markings, if any, must be removed?