



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 9 2005

Mr. Ric Erdheim
National Electrical
Manufacturers Association (NEMA)
Suite 1847
1300 North 17th Street
Rosslyn, VA 22209

Reference No. 05-0029

Dear Mr. Erdheim:

This is in response to your January 28, 2005 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to radioactive articles and mercury. Your questions concern lamps that contain both mercury and limited quantity radioactive materials. Your scenarios and questions are paraphrased and answered as follows:

Q1. Is an excepted package for a radioactive article subject to the multiple hazard limited quantity requirements in § 173.423 if the package contains less than a pound of mercury and is transported by highway?

A1. No. As indicated by the letter "A" in Column 1 of the Hazardous Materials Table (HMT), "Mercury contained in manufactured articles", UN 2809, is subject to the HMR when transported by aircraft. It is regulated by highway only when it meets the definition in § 171.8 for a hazardous substance or hazardous waste. Mercury has an RQ of one pound. Therefore, since your package contains less than one pound of mercury and is not a hazardous waste, it is only subject to the HMR for the radioactive material.

Q2. Is an excepted package for a radioactive article subject to the multiple hazard limited quantity requirements in § 173.423 if it has a presence of mercury with a net weight of less than 100 mg per article and one gram per package for an air shipment?



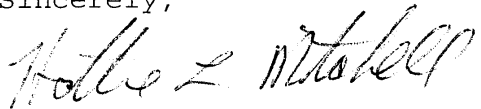
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173-423

A2. No. A package containing the amount of mercury described is not subject to HMR (see § 173.164(b)). Therefore, your package is only subject to the HMR for the radioactive material.

I hope this information is helpful.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hattie L. Mitchell".

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



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§ 173.423
RAM
05-0029

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Ric_Erdheim@nema.org

January 28, 2005

Mr. John Gale
Standards Development Chief
Office of Hazardous Materials Standards
Research and Special Programs Administration
US Department of Transportation
Room 8430
400 7th Street SW
Washington, DC 20590

Dear John:

The National Electrical Manufacturers Association (NEMA) represents manufacturers of lamps. Some lamps contain both mercury and limited quantities of radioactive material. With reference to the new RSPA regulations dealing with use of the UN2911 label, there has been discussion in the industry as to how to apply this new requirement to commercial use. We have the following questions regarding interpretation of USDOT regulations, pertaining to the domestic ground and domestic air transportation of lamps containing both of these materials.

Pursuant to 49 CFR 173.2a (a), these lamps must be classified as Class 8 - Corrosive. Therefore, they are subject only to the requirements of 49 CFR 173.424 (a) through (g) related to packaging.

Based on this interpretation, please answer the following questions:

1. Does a Radioactive material excepted package – article, fall under the requirements of 173.423 for multiple hazard limited quantity radioactive materials when the second hazard is the presence of mercury in net package weight of less than one-pound for highway shipment?
2. Does a Radioactive material excepted package – article, fall under the requirements of 173.423 for multiple hazard limited quantity radioactive materials when the second hazard is the presence of mercury in net weight of less than 100 mg per article and one gram per package for air shipments?

Mr. John Gale
January 28, 2005
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We would appreciate the opportunity to have a conference call between the appropriate RSPA staff and NEMA lamp manufacturers to discuss these issues. We will contact you to set up such a call.

Thank you for your attention.

Sincerely,

Ric Erdheim

Ric Erdheim

Cc: Mr. Charles H. Hochman
Mr. Edward T. Mazullo