



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUL 27 2005

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

Mr. Don McCarty
Manager, Packaging and Transportation
United States Enrichment Corporation
P.O. Box 628
Piketon, OH 45661

Reference No.: 05-0115

Dear Mr. McCarty:

This is in response to your April 28, 2005, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the marking requirements for other than a DOT 7A Type A specification packaging and to Department of Energy (DOE) or Nuclear Regulatory Commission (NRC) certified Type B packagings used to transport radioactive materials and wastes. Specifically, you ask whether non-specification radioactive materials packages meeting the requirements in § 172.302 and other relevant sections of Subpart D are required to be marked with the United Nations identification number on an orange panel.

The answer is yes. The general bulk package markings required by 49 CFR 172.302 (i.e. identification numbers on orange panels or placards, etc.) must be applied to all specification or non-specification packages of radioactive material when these packages are marked to meet 49 CFR 172.301, 172.310 and other relevant sections of Subpart D.

I trust this information is helpful.

Sincerely,

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



050115

172.302
172.310



Webb
§ 172.302
§ 172.310
Marking
05-0115

April 28, 2005

Edward T. Mazzullo, Director DHM-10
400 7th Street, S.W.
Washington, DC 20590-0001

Dear Mr. Mazzullo:

This letter is to request a clarification of the Hazardous Materials Regulation (HMR; 49 CFR Parts 171-180) regarding the marking requirements for other than a DOT 7A Type A specification packaging and to Department of Energy (DOE) or Nuclear Regulatory Commission (NRC) certified Type B packaging used to transport radioactive materials and wastes. Do all non-specification radioactive packages that meet the definitions in 49 CFR 172.302, and other relevant sections of Subpart D, have to be marked with the United Nations identification numbered orange panel?

USEC is sighting the attached letter dated September 10, 2001, Reference No. 01-0153. This letter speaks only to certified packages. My question includes, but is not limited to, waste boxes, 48X and 48Y cylinders, and cylinders shipped as waste or any other radioactive package that meets both the definition of a bulk package, 49 CFR 171.8 and a radioactive package. In 2001, the HMR was silent on how the packages are defined. Has this changed or will it change in the future to make the definition more easily understood?

Thank you for your consideration of this letter and if you have any questions regarding my letter, please contact me at 740-897-2668.

Thank You,

Don McCarty, Manager
Packaging and Transportation

DLM:ccb

Attachment

United States Enrichment Corporation
Portsmouth Gaseous Diffusion Plant
P.O. Box 628, Piketon, OH 45661



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

407 Seventh St., S.W.
Washington, D.C. 20580

SEP 10 2001

Mr. J. Kent Hancock
Acting Director, Office of Transportation
Office of Environmental Management
United States Department of Energy
Washington, DC 20590-0001

Reference No.: 01-0153

Dear Mr. Hancock:

This is in response to your June 14, 2001, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the marking requirements for shipments of DOT 7A Type A specification packaging and to Department of Energy (DOE) or Nuclear Regulatory Commission (NRC) certified Type B packagings used to transport radioactive materials and wastes. Specifically, you ask whether DOE sites must apply the general bulk package markings required by 49 CFR 172.302 (i.e. identification numbers on orange panels or placards, etc.) to Type A or Type B packages of radioactive material when these packages: (a) are marked to meet 49 CFR 172.301, 172.310 and other relevant sections of Subpart D.

The marking and labeling requirements for these packages depend on whether they are construed to be bulk or non-bulk packagings. Currently, the HMR is silent in regards to how these packages are defined. It has been this office position to define these packages as meeting the definition of a non-bulk packaging. Accordingly, § 172.301 states that a non-bulk packaging containing a hazardous material shall be marked with the proper shipping name and the identification number. However, we would accept a package marked as prescribed for a bulk package.

I trust this information is helpful.

Sincerely,

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