



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUN 29 2005

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

Mr. Stanley M. Hodges, Jr.
Senior Project Manager
RWE NUKEM Corporation
3800 Fernandina Road Suite 200
Columbia SC, 29210-3854

Ref. No.: 05-0151

Dear Mr. Hodges:

This is in response to your June 22, 2005 letter regarding multi-page shipping papers under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Must a one page shipping paper bear the notation "Page 1 of 1"?

A1. No. In accordance with § 172.201(c), the first page of a multi-page shipping paper must bear a notation specifying the total number of pages. Single page shipping papers are not subject to this requirement.

Q2. Are page numbers required on documents that must be provided "with" shipping papers?

A2. No. When the HMR require information be "on" a shipping paper and the information necessitates a continuation page, § 172.201(c) applies. When the HMR require information to be "with" a shipping paper or be provided in a document "other than a shipping paper" (e.g., exclusive use instructions or emergency response information), page numbers are not required on the additional documents.

Q3. If emergency response information is provided in an attachment to a shipping paper must it be numbered?

A3. See A2.

Q4. If a shipping paper makes reference to attached documents must the attached documents be numbered?



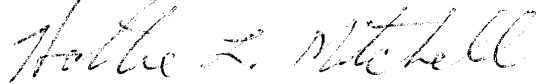
050151

172.602 (b)
173.427

A4. No. Attached documents, even when required under the HMR, are not part of the shipping paper and are therefore not subject to § 172.201(c).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned below the word "Sincerely,".

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

Pollack
§ 172.602(b)
§ 173.427(a)(6)(iv)
Shipping Papers / RAM
05-0151
RWE

June 22, 2005

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Subject: Page Numbering Requirements for Shipping Papers for Radioactive Shipments

References: Title 49 CFR 172.201(c) *Continuation page*
Title 49 CFR 173.427 "Transport requirements for low specific activity (LSA) Class 7 (radioactive) materials and surface contaminated objects (SCO)"
Title 49 CFR 172.602 Emergency response information

Dear Mr. Mazzullo:

This letter is being written to you to request how shipping papers should be page numbered for Radioactive LSA or SCO shipments that are consigned as exclusive use.

Background

Provided below are excerpts from 49 CFR 172.201(c), 49 CFR 173.427(6)(iv) and 49 CFR 172.602(b):

- 172.201(c) *Continuation page.* A shipping paper may consist of more than one page, if each page is consecutively numbered and the first page bears a notation specifying the total number of pages included in the shipping paper. For example, "Page 1 of 4 pages."
- 173.427(a)(6)(iv) Specific instructions for maintenance of exclusive use shipment controls shall be provided by the offeror to the carrier. Such instructions must be included with the shipping paper information;
- 172.602(b) Form of information. The information required for a hazardous material by paragraph (a) of this section must be:
- (1) Printed legibly in English;
 - (2) Available for use away from the package containing the hazardous material; and
 - (3) Presented
 - (i) On a shipping paper;
 - (ii) In a document, other than a shipping paper, that includes both the basic description and technical name of the hazardous material as required by §§ 172.202 and 172.203(k), the ICAO Technical Instructions, the IMDG Code, or the TDG Regulations, as appropriate, and the emergency response information required by this subpart (e.g., a material safety data sheet);

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Mission Statement:

To provide safe, compliant, and cost-effective radioactive waste management solutions through the innovative application of proven technologies.

RWE NUKEM typically ships radioactive material utilizing a straight bill of lading and include attachments to the bill of lading such as the exclusive use instructions (if the shipment is being shipped as exclusive use), the applicable ERG guide and a radiological

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Subject: Page Numbering Requirements for Shipping Papers of Radioactive Shipments



survey of the package/conveyance. We typically refer to these attachments on the bill of lading. We have typically numbered the pages starting with Page 1 of X (where X is the total number of pages including the attachments) through Page X of X.

Title 49 CFR 172.201(c) denotes that continuation pages should be page numbered based on the methodology that we have typically used, but it is unclear whether or not the exclusive use instructions, ERG guide and radiological survey are considered to be included "in" the shipping papers. It is also unclear when reviewing this section if the straight bill of lading would have to be page numbered at all if the shipping paper is only one page. **Question #1 – Do we need to page number a shipping paper as "Page 1 of 1" if the shipping paper is only one page?**

Title 49 CFR 173.427(a)(6)(iv) denotes that the exclusive use instructions must be included "with" the shipping paper information [please note that it does not denote "in" the shipping papers as delineated in 49 CFR 172.201(c)]. **Question #2 – If the shipping papers include exclusive use instructions, are they required to be page numbered as continuation pages along with the straight bill of lading or are they excluded from the page numbering requirement since this section denotes "with" and not "in"?**

Also, Title 49 CFR 172.602(b)(3)(i) denotes that the emergency response information must be presented "on" a shipping paper [not "in" the shipping papers as delineated in 49 CFR 172.201(c)]. Also, Title 49 CFR 172.602(b)(3)(ii) is unclear about whether the ERG guide pages that we include as an attachment to the shipping papers should be page numbered per 49 CFR 172.201(c). **Question #3 – If an ERG guide is included as an attachment to the shipping paper(s) (i.e. the straight bill of lading), is it required to be page numbered as a continuation page since it must be included "on" the shipping papers or can it be excluded from page numbering requirements based on the provision of Section 49 CFR 172.602(b)(3)(ii)?**

Question #4 - If specific attachments are called out on the straight bill of lading (i.e. shipping paper), do the attachments (e.g. radiological survey) require to be page numbered as continuation pages per 49 CFR 201(c)?

RWE NUKEM would like to thank you in advance for your response to these questions and the clarification of the page numbering requirements for the shipping paper(s), continuation pages and attachments. Should you have any questions, please do not hesitate to contact me at 803-214-5848.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stanley M. Hodges, Jr.', written in a cursive style.

Stanley M. Hodges, Jr.
Sr. Project Manager

cc: Mr. Jim Williams (James.williams@dot.gov) – DOT OHMT PHH-23 – Radioactive Materials