



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 31 2006

Mr. Christian W. Solum
Building 704-3N, Rm S111D
Aiken, SC 29808

Ref. No. 06-0033

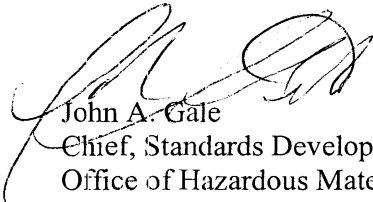
Dear Mr. Solum:

This is in response to your February 6, 2006 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a limited quantity Class 7 (Radioactive) material could also meet the definition of a Class 9 (Miscellaneous) material in accordance with the HMR.

The answer is no. For the purposes of the HMR, a Class 9 material is defined as "a material which presents a hazard during transportation but which does not meet the definition of any other hazard class." See § 173.140. The material in question does not meet the definition of a Class 9 material because it meets the definition of another hazard class.

I hope this information is helpful.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



060033

173-140



SAVANNAH RIVER SITE
Aiken, SC 29808 • www.srs.gov

February 6, 2006

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10,
U.S. Department Of Transportation
400 7th Street SW
Washington, DC 20590-0001

Eichenlaub
§173.140
Definition
06-0033

LIMITED QUANTITY CLASS 7 INTERPRETATION REQUEST

It is the position of Washington Savannah River Company (WSRC) that Class 9 materials described in 173.140 shall not meet the definition of any other hazard class and must not be represented as having a subsidiary hazard of any other hazard class. Specifically in question is a material meeting the definition of a limited quantity Class 7. If a material meets the definition of a limited quantity Class 7 material, it cannot meet the definition of a Class 9 material. WSRC hereby respectfully request a formal interpretation regarding its position.

Respectfully,

Christian W. Solum

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WASHINGTON SAVANNAH RIVER COMPANY

The **WSRC Team**: Washington Savannah River Company LLC • Bechtel Savannah River, Inc. • BNG America Savannah River Corporation • BWXT Savannah River Company • CH2 Savannah River Company