



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety Administration**

MAR 26 2007

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

Mr. Andrew N. Romach  
URS Corporation  
1600 Perimeter Park Drive  
Morrisville, NC 27560

Ref. No.: 06-0211

Dear Mr. Romach:

This is in response to your September 15, 2006 letter regarding the transport of limited quantity radioactive materials as specified under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a packaged material that meets the criteria of an excepted package of radioactive material when shipped as part of a consignment but no longer meets the criteria of a radioactive material when the consignment is broken apart and shipped separately is allowed to retain the "UN2911" marking under the HMR and be shipped as unregulated material?

The answer is no. An excepted package of radioactive material with identification markings that meets no other hazard class nor the definition of a Class 7 (radioactive) material as a result of falling below the exempt consignment activity limits is considered residue and may only be transported as unregulated material by removing, obliterating, or securely covering the identification markings on the outside of the package. Therefore, if the markings remain visible, the packaging must continue to comply with the excepted package containing radioactive material provisions in § 173.422. Generally, the provisions in § 173.422 require the packaging to be prepared in accordance with the applicable packaging section, marked with the appropriate identification number, and comply with the incident reporting provisions in §§ 171.15 and 171.16.

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

Sincerely,

Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards

173.422



060211



Satterthwaite  
§ 173.422  
RAM  
06-0211

September 15, 2006

Mr. Charles Betts  
Office of Hazardous Material Standards  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 7th Street, SW  
Washington, DC 20590-0001  
FAX: (202) 366-3012

Dear Charles:

I am writing to you in reference to an interpretation letter issued on June 4, 2005, to the National Electrical Manufacturers Association (NEMA), which allows a limited quantity radioactive material to be shipped as a "residue" and to retain the "UN2911" marking on the package. (A copy of the letter is attached.)

I am seeking further clarification of this DOT interpretation: Would a package of material that meets the criteria of a limited quantity radioactive material when it is shipped as part of a consignment but that no longer meets the criteria of a radioactive material when the consignment is broken apart and the package is shipped separately be allowed to retain the "UN2911" marking under the regulations and be shipped as a not regulated material?

I appreciate your clarification of this question.

Sincerely,

Andrew N. Romach  
Regulatory Compliance Manager  
URS Corporation

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**Pipeline and  
Hazardous Materials Safety  
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JUN 14 2005

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

Mr. Ron Runkles  
National Electrical  
Manufacturers Association (NEMA)  
1300 North 17<sup>th</sup> Street, Suite 1847  
Rosslyn, VA 22209

Reference No. 05-0086

Dear Mr. Runkles:

This is in response to your April 7, 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 a limited quantity radioactive material. Your scenarios and questions are paraphrased and answered as follows:

Q1. The definition of a radioactive material in § 173.403 applies to a material that contains radionuclides where both the activity concentration and the total activity in the consignment exceed the values specified in the table in §173.436 or values derived according to the instructions in §173.433. If a limited quantity shipment of radioactive materials is broken down and the remaining containers in the consignment do not exceed the activity limit for the consignment, may the ID markings remain on the packagings?

A1. The answer is yes. The prohibited marking requirements in § 172.303(a) state that "No person may offer for transportation or transport a package which is marked with the proper shipping name or identification number of a hazardous material unless the packages contains the identified hazardous material or its residue." Although the total consignment, as described in the above scenario, would not exceed the values specified in the table in § 173.436 or the values derived in accordance with the instructions in § 173.433, the identification marking may remain on the package because it would be considered a residue.

Q2. Can lighting products that contain both mercury and ionizing radiation be transported as Class 8 Mercury contained in manufactured articles, UN2809, when properly identified as containing radioactive material in accordance with § 173.423, even though the mercury falls within the limits specified in the § 173.164(e) exception for articles or packages?



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A2. The answer is yes. Since exceptions are not mandatory, the proper shipping name "Mercury contained in manufactured articles" may be used to describe the material in accordance with the multiple hazard limited quantity Class 7 provisions in § 173.423.

Q3. If the answer to Q2 is yes, can the UN 2809 marking be used in lieu of the UN2911 marking at our discretion?

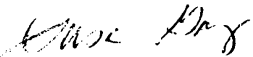
A3. The answer is yes. If the mercury in your lighting product meets the necessary conditions to qualify for the exception from the HMR in § 173.164(e), it is permissible to ship the lighting product as either "Radioactive material – excepted package, article, UN2911," or as "Mercury contained in manufactured articles, UN2809." However, if the lighting product does not meet the necessary conditions to qualify for the exception from the HMR in § 173.164(e), it must be shipped as "Mercury contained in manufactured articles, UN2809."

Q4. What training and reporting requirements are applicable to shippers that offer materials described as "Radioactive material, excepted package-instruments or articles, UN2911" under the HMR?

A4. Except for those exceptions pertaining to labeling, specification packaging, and marking, shippers and carriers of "Radioactive material, excepted package-instruments or articles, UN2911" are fully subject to the HMR including the training requirements found in Part 172, Subpart H and the reporting requirements in §§ 171.15 and 171.16.

I hope this information is helpful.

Sincerely,



Susan Gorsky  
Acting Director Hazardous Materials Standards  
Office of Hazardous Materials Standards