



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

SEP 21 2015

Mr. Daniel Stoehr
Daniels Training Service
P.O. Box 1232
Freeport, IL 61032

Reference No. 15-0141

Dear Mr. Stoehr:

This responds to your July 7, 2015 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they apply to the incident reporting requirements for excepted packages of Class 7 (radioactive) material. Specifically, you suggest that there is an error in § 173.422(c), which incorrectly references § 175.700(b) instead of § 175.705.

As currently drafted, § 173.422(c) requires excepted packages that are leaking or from which a release has occurred to comply with the reporting requirements in §§ 174.750, 175.700(b), or 176.710 dependent on the mode of transportation. In a final rule published under Docket Number RSPA-02-11654 (HM-228) [71 FR 14586], the reporting requirements for Class 7 (radioactive) material transported by air were moved from § 175.700(b) to § 175.705 without a corresponding revision to § 173.422(c). We will correct this reference in a future rulemaking. In the interim, we recommend that incidents involving excepted packages of Class 7 (radioactive) material transported via air comply with the requirements prescribed in § 175.705 since the present § 175.700(b) is not relevant to incident reporting.

I hope this information is helpful.

Sincerely,

Duane Pfund
International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Wiener
173.422(c)
Additional Requirements
15-0141

From: Geller, Shelby CTR (PHMSA)
Sent: Tuesday, July 07, 2015 3:37 PM
To: Hazmat Interps
Subject: FW: Request for Letter of Interpretation - Possible Correction to Hazardous Material Regulations

Hi Shante and Alice,

Forwarded is a request for a formal letter of interpretation. Mr. Stoehr spoke with Isaac Taylor in the HMIC.

Thanks,
Shelby

From: Daniel Stoehr [<mailto:info@danielstraining.com>]
Sent: Tuesday, July 07, 2015 1:29 PM
To: INFOCNTR (PHMSA)
Subject: Request for Letter of Interpretation - Possible Correction to Hazardous Material Regulations

In researching the requirements for shipping a Limited Quantity of a radioactive material (UN2910, Radioactive material, excepted package - limited quantity of material), I discovered what I believe to be an error in the Hazardous Material Regulations.

Specifically, 49 CFR 173.422(c) refers to the following sections:

- 174.750 - incidents involving leakage or radioactive material when transported by rail.
- 175.700(b) - special limitations and requirements for radioactive materials when transported by air. Specifically, sub-paragraph (b) refers to limits for transport index and criticality safety index.
- 176.710 - care following leakage or sifting of radioactive materials transported by vessel.

It is the reference to section 175.700(b) which appears to be incorrect for the following reasons:

- It doesn't fit with the other modal-specific sections which refer to incidents of leakage involving a Class 7 Radioactive.
- The reference to 175.700(b) from 173.422(c) continues on to read, "pertaining to the reporting of decontamination;" 175.700(b) has nothing to do with decontamination or the reporting thereof.

I believe that the correct section to be referenced from 49 CFR 173.422(c) for modal-specific requirements for transportation by air is 49 CFR 175.705 **Radioactive contamination**. Therefore, 49 CFR 173.422(c) should read as follows:

(c) Sections 174.750, **175.705**, and 176.710 of this subchapter (depending on the mode of transportation), pertaining to the reporting of decontamination;

I added my ***emphasis*** to the proposed change.

I request a formal letter of interpretation in response to my query.

Thank you very much for your time.

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Daniel Stoehr
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