



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, SE
Washington, D.C. 20590

DEC 28 2010

Robert Rivera and Monica Ruiz
Packaging Engineers
Sandia National Laboratories
PO Box 5800
Albuquerque, NM 87185

Reference No. 10-0159

Dear Mr. Rivera and Ms. Ruiz:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipment of packages containing explosives (primary hazard) with an excepted quantity of limited quantity Class 7 (radioactive) material. Specifically, you ask if the HMR require the proper shipping name of the subsidiary hazard as a marking for both domestic and international shipments. You note that the International Air Transport Association (IATA) Dangerous Goods Regulations require that packagings are marked with the proper shipping name for the explosive material as well as the proper shipping name for the radioactive subsidiary hazard.

The answer is no. The International Air Transport Association (IATA) Dangerous Goods Regulations do not have official standing under the HMR. However, the provisions of § 171.23 and § 171.24 of the HMR authorize the use of the International Civil Aviation Organization's (ICAO) Technical Instructions as authorized by the HMR for packaging, marking, labeling, classifying, and describing hazardous materials which are transported by air and by motor vehicle either before or after being transported by air. Special Provision A130 of the ICAO Technical Instructions requires that when this material meets the definitions and criteria of other classes or divisions, it must be classed in accordance with the predominant subsidiary risk. Such material must be declared under the proper shipping name and UN number appropriate for the material in that predominant Class or division, with the addition of the name applicable to this radioactive material, and must be transported in accordance with provisions applicable to that UN number. Under § 173.423(b) of the HMR limited quantities of radioactive materials are not required to have the subsidiary hazard label placed on the package. A limited quantity Class 7 (radioactive) material, which is classed other than Class 7 is excepted from the requirements of §§ 173.422(a), 172.203(d), and 172.204(c)(4) of the HMR provided the entry "Limited quantity

radioactive material” appears on the shipping paper in association with the basic description. However, there is nothing in the HMR that would preclude you from placing the subsidiary proper shipping name marking on the packaging.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Andrews
3172. 102 SP A130
Special Provisions
10-0159

Drakeford, Carolyn (PHMSA)

From: Kelley, Shane (PHMSA)
Sent: Monday, July 26, 2010 11:47 AM
To: Drakeford, Carolyn (PHMSA)
Cc: Betts, Charles (PHMSA); 'rpriver@sandia.gov'
Subject: FW: Special Provision A130

Carolyn,

Could you kindly log this in as a request for a formal interpretation of the applicability of the ICAO Technical Instructions SP A130? I'll be glad to assist on the response.

Thanks,

Shane

Shane C. Kelley
International Transportation Specialist
Office of Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
Voice: 202-366-4359
FAX: 202-366-5713

From: Rivera, Robert P [mailto:rpriver@sandia.gov]
Sent: Friday, July 09, 2010 5:06 PM
To: Kelley, Shane (PHMSA)
Cc: Ruiz, Monica; Spangler, Richie
Subject: FW: Special Provision A130

Mr. Kelley,

As discussed on the phone, we would like to understand a bit more about Special Provision A130 of the IATA regulations.

We have explosive packages (primary hazard) with a subsidiary hazard of excepted quantity radioactive material. We need to ship these packages via both domestic and international air. As we read SP A130, we are required to include the description "Radioactive material, excepted package-limited quantity of material" in the PSN on the shipping document. In addition, we have been told (see message from a IATA representative, copied below), that we are required to use this additional description as part of the marking requirements for such packages.

However, 49 CFR seems to differ with IATA. We read 49 CFR to prohibit alteration of the PSN as described in IATA and requires the marking to only include the actual PSN for the explosive hazard. Can you clarify our understanding on these points?

We need to know how to proceed given the apparent differences currently provided by 49 CFR and the IATA DGR.

Thanks for your assistance with this issue.

Robert Rivera and Monica Ruiz
Packaging Engineers
Sandia National Laboratories
Phone: 505-284-6982 and 505-284-4500

From: YMQ Dangerous Goods [mailto:dangood@iata.org]
Sent: Wednesday, June 23, 2010 7:53 AM
To: Rivera, Robert P; YMQ Dangerous Goods
Subject: RE: Special Provision A130

Dear Robert,

Thank you for taking the time to enquire with us.

Since the "new" PSN includes the Radioactive material in excepted package indication I believe that you do not have a choice but to include it on the package.

Please don't hesitate to contact us should you require more information or if we can be of further assistance.

Regards,

Brendan SULLIVAN
Manager, Cargo Standards
IDFS / Cargo
Tel +1 514 874 0202 ext 3267
Fax +1 514 874 2660
sullivanb@iata.org

International Air Transport Association
800 Place Victoria P.O. Box 113
Montreal, Quebec, Canada H4Z 1M1
www.iata.org



Towards zero emissions, every little helps!
Think before you print this e-mail.

From: Rivera, Robert P [mailto:rpriver@sandia.gov]
Sent: Tuesday, June 22, 2010 5:59 PM
To: YMQ Dangerous Goods
Subject: Special Provision A130

Mr. Good,

I have a question about the application of Special Provision A130.

A130 clearly applies to the way a dangerous good is described on the Shipper's Declaration. Does A130 have implications for how the container should also be marked?

For example, when Section 7.1.5.1(a) requires the container to bear the PSN of the contents, does this mean that the container should bear the entire phrase "Flammable liquid, n.o.s. (ethanol and toluene mixture, Radioactive material, excepted package - limited quantity of material)"? Or would the container still be properly marked (with regards to PSN) if it simply read "Flammable liquid, n.o.s. (ethanol and toluene mixture)"?