



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 31 2011

Mr. Bob Cogen
Manager, Air Dangerous Goods Compliance
United Parcel Service
6406 Grade Lane
Louisville, KY 40213

Ref. No. 11-0145

Dear Mr. Cogen:

This responds to your June 10, 2011 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if an excepted package of a Class 7 (radioactive) material that also meets the definition of a hazardous substance may be classed and described as "UN3077, Environmentally hazardous substance, solid, n.o.s., 9, III" or "UN3082, Environmentally hazardous substance, liquid, n.o.s., 9, III" (as applicable) under the provisions of § 173.2a(c)(5).

The answer is no. Section 173.2a(c)(5) applies to a material that meets the definition of more than one hazard class or division. An excepted package of a Class 7 (radioactive) material cannot also meet the definition of a Class 9 (miscellaneous) material under the HMR. A Class 9 (miscellaneous) material is defined in § 173.140 as a material which presents a hazard in transportation but which does not meet the definition of any other hazard class. The excepted package described in your letter meets the definition of a Class 7 (radioactive) material. An example of an appropriate basic description for an excepted package of radioactive material that is also a hazardous substance is "UN2910, Radioactive material excepted package-limited quantity of material, 7, RQ."

I hope this answers your inquiry. If you need additional assistance, please contact this office at (202) 366-8553.

Sincerely,

Ben Supko
Acting Chief, Standards Development
Standards and Rulemaking Division

Eichenlaub
§173.2a
§173.421

Drakeford, Carolyn (PHMSA)

From: Stevens, Michael (PHMSA)
Sent: Monday, June 13, 2011 8:33 AM
To: rcogen@ups.com
Cc: Drakeford, Carolyn (PHMSA); Foster, Glenn (PHMSA)
Subject: RE: Radioactive UN2910 RQ 4

RAM
11-0145

Importance: High

Good Morning Bob,

I will pass your request on for a response. Thanks.

Regards,

Michael

From: rcogen@ups.com [<mailto:rcogen@ups.com>]
Sent: Friday, June 10, 2011 6:39 PM
To: Stevens, Michael (PHMSA)
Subject: Radioactive UN2910 RQ 4

Hello Michael,

I hope you can help me or possibly direct me to someone who can provide some clarification on a question concerning the classification and documentation of radioactive excepted packages (UN2010 and UN2011) that require shipping papers under the provisions of 49 CFR 173.421, 173.422, 173.423, and 173.424 because they are also hazardous substances.

Our company, other carriers, and many of our customers have been very confused concerning the proper classification and description of these packages on shipping papers. We have also had some significant difficulties passing data to carriers of other modes whose information systems require information for Class 7 shipments that is not applicable to an excepted package. After many hours of discussion we have narrowed our discussion to the following question.

May an excepted package of radioactive material (UN2910 or UN2911) that meets the definition of a hazardous substance "RQ" but of no other hazard class be classed as "UN3077, Environmentally Hazardous Substance Solid, NOS, 9, III" or "UN3082, Environmentally Hazardous Substance Liquid, NOS, 9, III"(as applicable) under the provisions of 173.2a(c)(5).

We would of course require the material to be properly packaged, marked, and labelled as a class 9 and bear all the required markings for a radioactive excepted package per 49 CFR Part 173, Sub-Part I.

We greatly appreciate your guidance on this issue and thank you in advance for your assistance.

Best regards

Bob Cogen
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