



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

NOV 13 2002

Mr. F. Kevin Reilly  
Director, Environmental Management  
Defense Logistics Agency  
8725 John J. Kingman Road, Suite 3229  
Ft. Belvoir, Virginia 22060-6223

Ref. No. 02-0278

Dear Mr. Reilly:

This is in response to your letter dated October 10, 2002 regarding the shipment of Radioactive material, low specific activity, n.o.s. (UN2912) that is packaged in a non-specification strong tight bulk packaging (i.e., freight container) in accordance with § 173.427(c)(1) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the material may be contained in inner non-bulk packagings.

The answer is yes. Section 173.427(c)(1) authorizes the use of a non-specification strong tight bulk packaging for Radioactive material, low specific activity, n.o.s. (UN2912). The fact that the material is further contained in non-bulk packagings is not relevant.

I hope this information is helpful.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



020278

173.427(c)



DEFENSE LOGISTICS AGENCY  
DEFENSE NATIONAL STOCKPILE CENTER  
8725 JOHN J. KINGMAN ROAD, SUITE 3229  
FT. BELVOIR, VIRGINIA 22060-6223

Betts

§173.403  
§173.427(c)(1)  
Packagings  
02-0278

OCT 10 2002

IN REPLY REFER TO DNSC-E

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
Research and Special Programs Administration  
U. S. Department of Transportation  
400 7th Street, S. W.  
Washington, DC 20590-0001

Dear Sir,

The Defense Logistics Agency, Defense National Stockpile Center, is charged with responsibility of reducing the amount of material in the national strategic stockpile. Some of these materials qualify as hazardous materials in accordance with Title 49 Parts 171-180. I am writing to you to confirm our understanding of how these regulations can be met for the shipment of a particular material we need to transport.

The material is a low level radioactive material, originally purchased from various sources around the world in the 1950's and 1960's as Thorium Nitrate. We have tested representative samples of the material lots and have determined that they do not meet the definition of an oxidizer as specified in 49 CFR 173.127 and in accordance with the prescribed tests in the UN Manual of Tests and Criteria. Earlier guidance provided by your office (letter of March 13, 2001, reference number 01-0064), states "...if the material meets the definition of Low Specific Activity (LSA) as defined in 49 CFR 173.403 and does not meet any other hazard class, it would be most appropriately described as "Radioactive material, LSA, n.o.s." Therefore, we plan to ship the materials domestically as *Radioactive material, low specific activity, n.o.s.*

We will be shipping the material under exclusive use conditions and the total activity in a package will always be less than A<sub>2</sub> since this value is unlimited. The current packagings (drums) in which the materials are loaded are in impaired condition and will not qualify as strong tight packages. Since repackaging this material would be expensive and would result in radiation exposure to workers, we would like to ship the material in bulk packagings in accordance with §173.427(c)(1).

The bulk packagings we propose to use are intermodal freight containers that are sufficiently tight that there would be no release of contents during routine transport, even if the material were loose inside the freight container. However, the definition of 'bulk packaging' in §171.8 states, "...in which hazardous materials are loaded with no intermediate form of containment..." Since the drums themselves are not strong tight

packages, we would like to confirm that they would not constitute an 'intermediate form of containment' that would negate shipping them inside a 'bulk packaging'.

Please confirm our understanding that since the current packagings themselves are not strong tight packages they would not constitute an 'intermediate form of containment' that would negate shipping them inside a 'bulk packaging'.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Kevin Reilly". The signature is fluid and cursive, with the first name "F. Kevin" and the last name "Reilly" clearly distinguishable.

F. KEVIN REILLY  
Director, Environmental Management  
AREA 703 767-6522