



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

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

APR 16 2003

Mr. James H. Portsmouth  
Traffic Manager  
Duratek Federal Services, Inc.  
3000 George Washington Way  
Richland, Washington 99352-0700

Ref No.: 02-0267

Dear Mr. Portsmouth:

This is in response to your inquiry concerning the placement of the waste code number in the shipping description shown on a shipping paper and marking requirements for hazardous substances under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1: If a material described as Waste, Radioactive material, LSA, n.o.s., 7, UN2912, meets the reportable quantity (RQ) for lead (D008), but does not meet or exceed the RQ for any radionuclide, is the waste code number required to be identified in parentheses on the shipping paper or package marking in accordance with §§ 172.203(c) and 172.324(a), respectively?
- A1: Section 172.203(c) excepts Class 7 (Radioactive) materials that are described in accordance with § 172.203(d) from the additional shipping paper description requirements for hazardous substances. Section 172.203(d) requires the name of each radionuclide to be shown on the shipping papers. If your material is described in accordance with § 172.203(d), it is not required to be described in accordance with § 172.203(c). You are excepted from the package marking requirements for hazardous substances in § 172.324 only, if your radioactive material is labeled in accordance with § 172.403. Section 172.403(g) requires the name of the radionuclides be identified on the label. If your material is not described under § 172.203(d), and the package is not labeled under § 172.403, the constituent must be identified as the hazardous substance on the shipping paper and package marking. The letters "RQ" must be marked on a non-bulk package in association with the proper shipping name.
- Q2: Specifically, you ask whether Waste Radioactive material, LSA, n.o.s., 7, UN2912, may be described in accordance with §172.203(d) and, therefore, be excepted from the requirements in § 172.203(c)(1)?
- A2: The answer is yes. See answer A1.



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Q3: Is the intent to except radioactive materials from the HMR that qualify as a hazardous substance based on § 172.101, Appendix A, Table 1 (Hazardous Substances Other Than Radionuclides), in addition to hazardous substances that qualify based on Table 2 (Radionuclides)?

A3: See answer A1.

Q4: If the hazardous substance constituent is not required to be entered in parentheses in accordance with §§ 172.203(c)(1) and 172.324(a), is it permissible to include it as additional information in the shipping paper or package markings?

A4: Yes.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



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River Protection Project Operations  
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§ 172.203 (c) (1)  
§ 172.324(a)  
Shipping Papers  
Marking  
02-0267

October 3, 2002

JHP-02-2375

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
United States Department of Transportation  
Research and Special Programs Administration (DHM-10)  
400 7<sup>th</sup> Street, Southwest  
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

**HAZARDOUS SUBSTANCE SHIPPING PAPER AND MARKING REQUIREMENTS**

Duratek Federal Services, Inc. (Federal Services) Training Services Department would like to request a letter of interpretation regarding shipping paper entry and marking requirements for Hazardous Substances; Title 49 *Code of Federal Regulations* (49CFR) §§ 172.203(c)(1) and 172.324(a) respectively.

1 If a shipment of Waste Radioactive material, LSA, n.o.s., 7, UN 2912, which qualifies as a hazardous substance for the D008 waste code (but not for a radionuclide), is being prepared for shipment, is the shipper required to identify the waste code in parenthesis as a shipping paper entry or marking in accordance with 49 CFR §§ 172.203(c)(1) and 172.324(a) respectively? YES

2 49 CFR § 173.203 (c)(1) requires that if a material meets the definition of a hazardous substance and the proper shipping name does not identify the hazardous substance by name, the name of the hazardous substance shall be entered in parenthesis in association with the basic description. However, this paragraph excepts radioactive materials described in accordance with paragraph (d) of that section. There is a similar exception regarding labeled Class 7 materials in 49 CFR §172.324 (a). The Waste Radioactive material, LSA n.o.s, 7, UN 2912 would be described in accordance with 49 CFR §172.203(d) and therefore would be excepted from 49 CFR §173.203(c)(1).

3 Is it the intent of the HMR to except radioactive materials that qualify as a hazardous substance based on 49 CFR 172.101, Appendix A, Table 1 in addition to those that qualify based on Table 2?

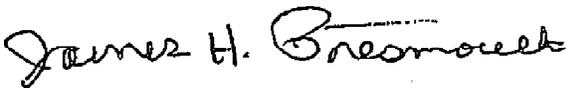
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4 / Also, if the hazardous substance constituent is not required to be entered in parenthesis in accordance with §§ 172.203(c)(1) and 172.324(a), is it permissible to include it as additional information in the shipping paper or package markings?

Thank you for your consideration of this request.

Sincerely,



James H. Portsmouth  
Traffic Manager

ars

DFSNW - R. W. Reddinger  
J. H. Portsmouth  
K.A. Smith  
Contracts File/LB