



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUN 13 2005

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

Mr. Jule Fausto
Transportation Specialist
State of Utah, DEQ
Division of Radiation Control
168 North 1950 West
Salt Lake City, UT 84114-4850

Ref. No. 05-0099

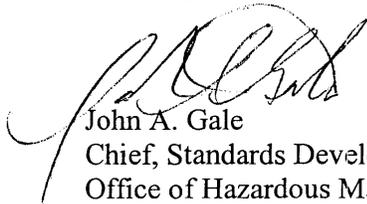
Dear Mr. Fausto:

This is in response to your April 19, 2005, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if radioactive materials are excluded from the general requirements for packagings and packages in § 173.24(b)(1).

The answer is no. Each package used for the shipment of hazardous materials shall be designed, constructed, maintained, filled, its contents so limited, and closed, so that under conditions normally incident to transportation, there will be no identifiable (without the use of instruments) release of hazardous materials to the environment (§ 173.24(b)(1)). These general requirements for packagings and packages apply to all hazard classes, unless otherwise excepted.

I hope this satisfies your request.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



050099

173.24 (b)(1)

Williams, James <PHMSA>

From: Jule Fausto [jfausto@utah.gov]
Sent: Tuesday, April 19, 2005 4:22 PM
To: Williams, James <PHMSA>
Cc: Boyd Imai; John Hultquist
Subject: Regarding 173.24(b)(1)

BAH
§ 173.24 (b)(1)
Packagings
Packages
05-0099

Hello James:

I have a question regarding 173.24(b)(1) which states, "there can be no identifiable release (without the use of instruments) of hazmat to the environment". Does this exclude radioactive materials since in many cases the only way to identify if RAM material has escaped to the environment is with the use of instruments. For instance, an incident involving LSA when liquid material leaked from a rail car of solid material was determined to be radioactive but this was determined only after taking measurements of what had leaked out of the rail car. This was shipped as a lined gondola.

I looked through the "opinion" letters on the PHMSA website but could not find any letters applicable. I would greatly appreciate an interpretation or any insight that you could provide.

Thank you,

Jule Fausto
Transportation Specialist
State of Utah, DEQ, DRC