



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 20 2008

Mr. Roy A. Parker, Ph.D.
Radiation Physics Consultant
5061 Abelia Drive
Baton Rouge, LA 70808

Ref. No.: 08-0115

Dear Mr. Parker:

This is in response to your April 24, 2008 inquiry requesting clarification regarding the Class 7 (radioactive) materials marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask whether a shipper is required to mark a package in accordance with § 172.310(b) if the package specification marking required by § 178.350 is already present.

It is not necessary that package marking entries required by Part 172, Subpart D be separate and distinct from those specified in § 178.350(c). A packaging properly marked "USA DOT 7A Type A" in accordance with §§ 178.3 and 178.350 would satisfy the requirements in § 172.310(b).

We will address this issue in a future rulemaking.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale".

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

Learly
§172.310(b)
§178.3(a)(4)
Marking of Packaging
08-0115

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Friday, April 25, 2008 9:42 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Request for Interpretation: 49 CFR 178.3(a)(4) and 172.310(b) Inconsistency
Attachments: Roy A. Parker.vcf

Carolyn,
A request for interpretation on the issue below.
Thanks,
Rob

From: Roy A. Parker [mailto:roy@royparker.org]
Sent: Thursday, April 24, 2008 6:27 PM
To: Gale, John <PHMSA>; INFOCNTR <PHMSA>
Cc: Boyle, Rick <PHMSA>; Ferate, Fred <PHMSA>; Williams, James <PHMSA>; Conroy, Michael <PHMSA>; Plessas, Karen <PHMSA>
Subject: Request for Interpretation: 49 CFR 178.3(a)(4) and 172.310(b) Inconsistency

John,

49 CFR 178.350(c) requires that USA DOT 7A TYPE A be marked on a package in accordance with 49 CFR 178.3(a)(4) which requires a height of 12 mm (0.5 in) unless the package is not greater than 30 liters or 30 kg in which case the required height is 6 mm (0.25 in). This is consistent with IATA 10.7.1.2.4.

49 CFR 178.3(a)(4) is inconsistent with 49 CFR 172.310(b) which requires a height of 13 mm (0.5 in) for the TYPE A portion only.

IAEA TS-R-1 and ICAO 2007-2008 appear to be mute and do not offer any guidance on marking size requirements unless I missed it. Neither do I find any DOT interpretations that address this issue.

IATA 10.7.1.2.4 is consistent with 49 CFR 178.3(a)(4).

49 CFR 178.3(a)(4) is more explicit, and directly applicable. Also, it is more practical for small packages. May 49 CFR 178.3(a)(4) be used without risking a violation of the more narrow 49 CFR 172.310(b), until the regulations can be appropriately changed?

Regards,

Roy

Roy A. Parker, Ph.D.
Radiation Physics Consultant

4/28/2008