



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

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

AUG 14 2003

Mr. Jim Johnston  
Packaging Engineer  
Los Alamos National Laboratory  
P.O. Box 1663, MS A194  
Los Alamos, NM 87545

Ref. No: 03-0160

Dear Mr. Johnston:

This is in response to your letter dated July 2, 2003 requesting clarification regarding the Class 7 (radioactive) materials marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you expressed concern about packaging manufacturers applying the marking "USA DOT 7A Type A" and "Radioactive Material" to the outside of empty (unused) drums. You ask whether the markings may be applied by the user rather than the manufacturer. You also ask whether the EMPTY label should be display on the drums when shipped from the manufacturer to your facility.

In response to your first question, the manufacturer function of placing the required specification markings on the packaging can be performed by the packaging manufacturer or by the user. Placing the required DOT specification markings identified in § 178.350; that is, "USA DOT 7A Type A" and "Radioactive Material", on the packaging certifies that the packaging was designed and constructed in full conformance with the requirements referenced in Part 173. Section 178.2(b)(2) states that a manufacturer of a packaging is primarily responsible for compliance with the Part 178 requirements. However, any person who performs a function prescribed in Part 178 shall perform that function in accordance with this part. Therefore, by contractual agreement, certification may be performed by the user. The user must have a copy of all documentation required to support that the packaging meets the DOT 7A specification. In either case, the user must maintain the complete packaging documentation on file in accordance with § 173.415.

In response to your second question, new or unused packagings marked "USA DOT 7A Type A" and "Radioactive Material" that are being shipped from the manufacturer to your facility are not required to display an EMPTY label. However, we recommended that the marked packagings be transported in closed freight containers or transport vehicles to avoid confusion to transport workers and emergency response personnel. Also, as you may be aware, we proposed in a notice of proposed rulemaking to remove the "Radioactive Material" marking from Part 178.

I hope this satisfies your request.

Sincerely,

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



030160

178.350



Betts  
§ 178.350 (b)  
RAM Marking  
03-0160  
DOC NO SUP-3: 03-003

US Department of Transportation  
Research and Special Programs Administration  
Attn: Mr. Charles Betts, DHM-12  
400 Seventh Street SW  
Washington, D.C. 20590

**Reference: Interpretation of USA DOT 7Z Type A and Radioactive Markings (178.350)**

July 2, 2003

Dear Mr. Betts,

I had a conversation with Mr. Boyle, U.S. Department of Transportation, Radioactive Branch Chief on July 1, 2003 regarding the marking of DOT 7A drums per 49 CFR 178.350 (b). Currently, radioactive [TYPE A] drums are ordered from our east and west coast suppliers through a Los Alamos National Laboratory (LANL) generated Procurement Specification. This specification details the specific Part 178 requirements for fabrication of the container. Due to post 9/11 concerns, there was some discussion with your office about placing a marking on an *empty* drum that stated the drum was "USA DOT 7A TYPE A and RADIOACTIVE MATERIAL" when in fact, the drum was empty. The concern is, what direction should we be giving the manufacturers about applying this marking when the drum is empty and, if the empty marking is to be used, do we specify that in bound empty drums that are marked USA DOT 7A TYPE A and RADIOACTIVE MATERIAL contain an "empty label"?

- We currently have a large stock of 55-gallon and 30-gallon drums that have the required 7A marking (but in label form). The marking is applied by the user when he certifies that the shipment is in proper condition for transportation. Per my discussion with MR. Boyle this afternoon, he stated he did not have a problem with the shipper applying this marking as a label provided the pedigree of the container is in order and the intended use of the container is followed (i.e. Type A material only).

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Your official concurrence is requested. Thank you in advance for you continued support.

Regards,

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