



U.S. Department
of Transportation

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

JAN - 9 2006

**Pipeline and
Hazardous Materials Safety
Administration**

Mr. Robert Savini

Ref. No. 05-0308

Radiation Safety Officer

Lixi, Inc.

11980 Oak Creek Parkway

Huntley, IL 60142

Dear Mr. Savini:

This is in response to your November 22, 2005 letter and subsequent telephone conversation with a member of my staff requesting clarification regarding the shipping paper requirements for radioactive materials as specified under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your scenario, you offer for transportation excepted packages for radioactive instruments and articles (UN2911). Your questions are paraphrased and answered below.

Q1. Section 173.424 specifies that excepted packages for radioactive instruments and articles are not subject to the shipping paper requirements unless the item being shipped is a hazardous substance or hazardous waste. If we offer an excepted package that is a hazardous substance, may we place a document that complies with the Part 172, Subpart C shipping paper provisions in a pouch that is attached to the side of the package?

A1. Yes. Section 177.817(a) specifies that "a person may not accept a hazardous material for transportation or transport a hazardous material by highway unless that person has received a shipping paper prepared in accordance with part 172 of this subchapter or the material is excepted from shipping paper requirements under this subchapter." Although the carrier must comply with the shipping paper accessibility requirements in § 177.817(e), the HMR do not prohibit a shipper from placing the shipping paper in a pouch attached to the outside of the completed package.

Q2. If excepted packages for radioactive instruments and articles (UN2911) are authorized to use the shipping paper exception in § 173.424, is a shipper's certification still required?



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173.424

A2. No. The exception from shipping paper requirements includes the shipper's certification.

I hope this information is helpful.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hattie L. Mitchell".

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

Nickels, Matthew <PHMSA>

From: Robert Savini [rsavini@lix.com]
Sent: Tuesday, November 22, 2005 1:34 PM
To: INFOCNTR <PHMSA>
Cc: Brent Burns; Jim Kovarik; John Zaffer
Subject: 49 CFR 173.424

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05-0308

We have some questions on shipping papers and shipper's certification when making "excepted package" shipments per UN2911. Some of our UN2911 shipments are "hazardous substances" and others are not. Carriers such as UPS and Fedex use Internet based computer software to generate a shipping label and receipt for each ground or air package ship within the USA. No other paperwork goes with the shipment. When using these modes of transportation for "UN2911, Radioactive Material, Excepted Package-Instruments" shipments, we enclose a notice attached to the packing list or invoice that goes with the shipment. This notice is enclosed in an plastic envelope attached to the side of the package.

Our question is does the method of attachment comply with the shipping paper requirements of subpart "C" of part 172.202 for a hazardous substance? The following is an example of our attachment:

PACKAGE INSERT
 FOR
 SHIPMENTS OF I-125

"Instruments or Articles & Hazardous Substance I-125 Solid"
 RQ, Radioactive Material, Excepted Package – Instruments or Articles, Class 7, UN2911 I-125 18.5 GBq (500 mCi) 24-hour
 Emergency Response Number: 1-613-592-2790

"This package conforms to the conditions and limitations specified in 49 CFR 173.424 for radioactive material, excepted package – instruments or articles, UN2911"

FOR DOMESTIC USA SHIPMENTS
 SHIPPER'S CERTIFICATION

This is to certify that the above named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

FOR INTERNATIONAL AIR SHIPMENTS

I hereby certify that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked and labeled, and in proper condition for carriage by air according to applicable national governmental regulations.

This shipment is within the limitations prescribed for passenger aircraft.

Signed: _____

Page 2

Our second question is: When making a UN2911 shipment that is not a hazardous substance and therefore does not require "shipping papers", but require a "shipper's certification" can we use a similar enclosed notice for compliance?

Regards,

Robert Savini
 Radiation Safety Officer
 Lixi, Inc.

12/6/2005