



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

May 12, 2020

Donnie James  
Shipping Technician  
Entergy  
Waterford 3 Steam Electric Station  
17265 River Road  
Kilona, LA 70057

Reference No. 20-0025

Dear Mr. James:

This letter is in response to your March 11, 2020, email and subsequent email conversation requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding visibility. Specifically, you provide the following scenario:

- Waste Class 7 (radioactive) materials are transported in cargo containers with approximately 1150 cubic ft. capacity each.
- The radioactive materials are placed directly in the cargo containers with no intermediary packaging.
- The cargo containers meet the general design requirements of §§ 173.24, 173.24b, and 173.410.
- You included two pictures of the potential containers and their configuration.

We have paraphrased and answered your questions as follows:

Q1. You ask whether the cargo container meets the § 171.8 definition of a freight container.

A1. The answer is yes. Although the definition of a freight container indicates that its use is “intended primarily for containment of packages (in unit form),” the definition of a bulk packaging means “a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment.” Therefore, based on the description and picture of the container, it meets the definition of a freight container. Please note, that the non-specification sift proof bulk packaging will still need to be authorized in accordance with the bulk packaging section assigned in the § 172.101 Hazardous Materials Table.

Q2. You ask whether the cargo container complies with placarding visibility requirements if the container is placarded on all four sides, the placards are clearly visible, and the placards are not obstructed.

- A2. The answer is yes. In accordance with § 172.504(a), unless otherwise excepted, each bulk packaging, freight container, unit load device, transport vehicle or rail car must be placarded on each side and each end. Additionally, § 172.516(a) requires that each placard on a motor vehicle must be clearly visible from the direction it faces, except from the direction of another transport vehicle to which the motor vehicle is coupled. This may be met by placards displayed on the freight container loaded on the motor vehicle. Therefore, as described in your email, displaying a placard on all four sides of the freight container meets the general placarding and visibility requirements.
- Q3. You describe a scenario where two cargo containers placarded on all four sides with the same placard are placed next to each other lengthwise on a vehicle such that they act as one unit for visibility purposes. In this scenario, the ends of the cargo containers facing each other are not visible. You ask whether cargo containers transported in this configuration would meet the placard visibility requirements without attaching additional placards to the trailer.
- A3. The answer is yes, because both freight containers display the same placards. If the freight containers displayed different placards it would not comply with placard visibility requirements (see A2).
- Q4. You ask whether § 172.516(a) is limited to freight containers and portable tanks. In your email, you give examples of shrink-wrapped pallets with placards on all four sides or IBCs with placards on all four sides.
- A4. The answer is no. Section 172.516(a) lists freight containers or portable tanks as packaging types that may display a placard, instead of the motor vehicle; however, the requirement is that each placard must be readily visible from the direction it faces except when the vehicle is attached to another motor vehicle. Therefore, a placard securely attached or affixed to the IBC or pallet may be used for this visibility requirement, if the placard is visible from the direction it faces. However, the package must be located clear of appurtenances and devices (e.g., ladders, pipes, doors, tarpaulins). Additionally, the placard must represent the hazardous material in the package (see § 171.2(k)).

Lastly, please note that IBCs or other packagings may be substantially smaller than portable tanks and freight containers, which may affect the visibility of a placard when the IBC or package is placed on a flat-bed vehicle.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, March 11, 2020 3:03 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for interpretation, 49 CFR 172.516 (a), Re-submittal with physical Address.

Hello Alice and Ikeya,

Please see below for letter of interpretation request.

Thank you,  
Kathryn (HMIC)

**From:** James, Donald [mailto:djames7@entergy.com]  
**Sent:** Wednesday, March 11, 2020 12:44 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for interpretation, 49 CFR 172.516 (a), Re-submittal with physical Address.

US Department of Transportation  
D.O.T. Information Center  
March 11, 2020

Dear Sir or Ma'am,

Please accept this correspondence as a request for interpretation of 49 CFR 172.516, Visibility and Display of Placards, and interpretation of the definition of Freight Containers from 49 CFR 171.8.

I have three questions related to the following:

§172.516 (a) "Each placard on a motor vehicle and each placard on a rail car must be clearly visible from the direction it faces, except from the direction of another transport vehicle or rail car to which the motor vehicle or rail car is coupled. This requirement maybe met by the placards displayed on the freight containers or portable tanks loaded on a motor vehicle or rail car."

- I understand this to mean that if a Freight Container on a flatbed trailer can be clearly viewed from all four sides of a trailer, then the container placarding is adequate and trailer placarding is not required. I looked up the definition of Freight Container.

"Freight Container means a re-useable container having a volume of 64 cubic feet or more, designed and constructed to permit being lifted with its contents intact and intended primarily for the containment of packages (in unit form) during transportation."

- I currently use 20 ft x 8 ft x 8 ft SeaLands (intermodal cargo containers / ISO Containers, approximately 1150 cu ft capacity) to transport Class 7 Dry Active Waste. The SeaLands were *originally* designed and constructed to be Freight Containers per the definition, but I do not use any intermediate packaging within them. The SeaLands themselves are being used as a bulk shipping container meeting General Design requirements of §173.410, 24, and 24b.

I have read many interpretations relating to §172.516 and haven't found exactly what I am looking for. The USDOT / PHMSA interpretation dated May 13, 2010 (Ref. No. 10-0075) appears to condone placarding individual packages upon a trailer and not the trailer itself, although it is not a "Freight Container" or "Portable Tank". The

example given was individual pallets of 5-gallon pails shrink wrapped together and placarded on the shrink wrap. It was determined that having the placards on the pallet wrapping visible from all sides of the trailer was adequate.

Question One: Would the SeaLand above without any interior packaging meet the definition of a Freight Container and the placards on the SeaLand be adequate for Vehicle Placarding (assuming one placard on each side and clearly visible from all sides of the trailer and not obstructed)?

Question Two: Would two such SeaLands placed lengthwise door-to-door (placards between the two SeaLands not visible, but at least one placard per side clearly visible from each direction) be acceptable without additional placards attached to the trailer?

Question Three: Is the allowance in §172.516 (a) authorizing the container placards to meet vehicle placarding requirement limited specifically to "Freight Containers" and "Portable Tanks", or can the same principle be used for other containers (such as shrink-wrapped pallets with placards on four sides, or bulk packages with placards on four sides).

Thank you for your time and effort. I look forward to your response.

Donnie James, Shipping Technician  
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