

(b) No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part.

(c) The restrictions in paragraphs (a) and (b) of this section, do not apply to packages labeled in conformance with:

- (1) The UN Recommendations (see § 171.7 of this subchapter);
- (2) The IMDG Code (see § 171.7 of this subchapter);
- (3) The ICAO Technical Instructions (see § 171.7 of this subchapter);
- (4) The TDG Regulations (see § 171.7 of this subchapter).

(d) The provisions of paragraph (a) of this section do not apply to a packaging bearing a label if that packaging is:

- (1) Unused or cleaned and purged of all residue;
- (2) Transported in a transport vehicle or freight container in such a manner that the packaging is not visible during transportation; and
- (3) Loaded by the shipper and unloaded by the shipper or consignee.

[Amdt. 172-9, 41 FR 15996, Apr. 15, 1976, as amended by Amdt. 172-75, 47 FR 44471, Oct. 7, 1982; Amdt. 172-77, 47 FR 54822, Dec. 6, 1982; Amdt. 172-94, 49 FR 38134, Sept. 27, 1984; Amdt. 172-100, 50 FR 41521, Oct. 11, 1985; Amdt. 172-123, 55 FR 52594, Dec. 21, 1990; Amdt. 172-132, 58 FR 50501, Sept. 27, 1993; 66 FR 8647, Feb. 1, 2001; 66 FR 45379, Aug. 28, 2001]

§ 172.402 Additional labeling requirements.

(a) *Subsidiary hazard labels.* Each package containing a hazardous material—

- (1) Shall be labeled with primary and subsidiary hazard labels as specified in column 6 of the § 172.101 table (unless excepted in paragraph (a)(2) of this section); and
- (2) For other than Class 1 or Class 2 materials (for subsidiary labeling requirements for Class 1 or Class 2 materials see paragraph (e) or paragraphs (f) and (g), respectively, of this section), if not already labeled under paragraph (a)(1) of this section, shall be labeled with subsidiary hazard labels in accordance with the following table:

SUBSIDIARY HAZARD LABELS

Subsidiary hazard level (packing group)	Subsidiary Hazard (Class or Division)						
	3	4.1	4.2	4.3	5.1	6.1	8
I	X	***	***	X	X	X	X
II	X	X	X	X	X	X	X
III	*	X	X	X	X	X	X

X—Required for all modes.
 *—Required for all modes, except for a material with a flash point at or above 38 °C (100 °F) transported by rail or highway.
 **—Reserved
 ***—Impossible as subsidiary hazard.

(b) *Display of hazard class on labels.* The appropriate hazard class or division number must be displayed in the lower corner of a primary hazard label and a subsidiary hazard label. A subsidiary label meeting the specifications of this section which were in effect on September 30, 2001, such as, a label without the hazard class or division number displayed in the lower corner of the label) may continue to be used as a subsidiary label in domestic transportation by rail or highway until October 1, 2005, provided the color tolerances are maintained and are in accordance with the display requirements in this subchapter.

(c) *Cargo Aircraft Only label.* Each person who offers for transportation or transports by aircraft a package containing a hazardous material which is authorized on cargo aircraft only shall label the package with a CARGO AIRCRAFT ONLY label specified in § 172.448 of this subpart.

(d) *Class 7 (Radioactive) Materials.* Except as otherwise provided in this paragraph, each package containing a Class 7 material that also meets the definition of one or more additional hazard classes must be labeled as a Class 7 material as required by § 172.403 of this subpart and for each additional hazard. A subsidiary hazard label is not required on a package containing a Class 7 material that conforms to criteria specified in § 173.4 of this subchapter, except § 173.4(a)(1)(iv) of this subchapter.

(e) *Class 1 (explosive) Materials.* In addition to the label specified in column 6 of the § 172.101 table, each package of Class 1 material that also meets the definition for:

- (1) Division 6.1, Packing Groups I or II, shall be labeled POISON or POISON

INHALATION HAZARD, as appropriate.

(2) Class 7, shall be labeled in accordance with §172.403 of this subpart.

(f) *Division 2.2 materials.* In addition to the label specified in column 6 of the §172.101 table, each package of Division 2.2 material that also meets the definition for an oxidizing gas (see §171.8 of this subchapter) must be labeled OXIDIZER.

(g) *Division 2.3 materials.* In addition to the label specified in column 6 of the §172.101 table, each package of Division 2.3 material that also meets the definition for:

(1) Division 2.1, must be labeled Flammable Gas;

(2) Division 5.1, must be labeled Oxidizer; and

(3) Class 8, must be labeled Corrosive.

[Amdt. 172-123, 55 FR 52594, Dec. 21, 1990, as amended at 56 FR 66255, Dec. 20, 1991; Amdt. 172-139, 59 FR 67490, Dec. 29, 1994; Amdt. 172-140, 60 FR 26805, May 18, 1995; Amdt. 172-149, 61 FR 27173, May 30, 1996; 62 FR 39405, July 22, 1997; 66 FR 33425, June 21, 2001]

§ 172.403 Class 7 (radioactive) material.

(a) Unless excepted from labeling by §§173.421 through 173.427 of this subchapter, each package of radioactive material must be labeled as provided in this section.

(b) The proper label to affix to a package of Class 7 (radioactive) material is based on the radiation level at the surface of the package and the transport index. The proper category of label must be determined in accordance with paragraph (c) of this section. The label to be applied must be the highest category required for any of the two determining conditions for the package. RADIOACTIVE WHITE-I is the lowest category and RADIOACTIVE YELLOW-III is the highest. For example, a package with a transport index of 0.8 and a maximum surface radiation level of 0.6 millisievert (60 millirems) per hour must bear a RADIOACTIVE YELLOW-III label.

(c) Category of label to be applied to Class 7 (radioactive) materials packages:

Transport index	Maximum radiation level at any point on the external surface	Label category ¹
0 ²	Less than or equal to 0.005 mSv/h (0.5 mrem/h).	WHITE-I.
More than 0 but not more than 1	Greater than 0.005 mSv/h (0.5 mrem/h) but less than or equal to 0.5 mSv/h (50 mrem/h).	YELLOW-II.
More than 1 but not more than 10	Greater than 0.5 mSv/h (50 mrem/h) but less than or equal to 2 mSv/h (200 mrem/h).	YELLOW-III.
More than 10	Greater than 2 mSv/h (200 mrem/h) but less than or equal to 10 mSv/h (1,000 mrem/h).	YELLOW-III (Must be shipped under exclusive use provisions; see 173.441(b) of this subchapter).

¹ Any package containing a "highway route controlled quantity" (§ 173.403 of this subchapter) must be labelled as RADIOACTIVE YELLOW-III.

² If the measured TI is not greater than 0.05, the value may be considered to be zero.

(d) *EMPTY* label. See §173.428(d) of this subchapter for EMPTY labeling requirements.

(e) [Reserved]

(f) Each package required by this section to be labeled with a RADIOACTIVE label must have two of these labels, affixed to opposite sides of the package. (See §172.406(e)(3) for freight container label requirements).

(g) The following applicable items of information must be entered in the blank spaces on the RADIOACTIVE label by legible printing (manual or

mechanical), using a durable weather resistant means of marking:

(1) *Contents.* The name of the radionuclides as taken from the listing of radionuclides in §173.435 of this subchapter (symbols which conform to established radiation protection terminology are authorized, i.e., ⁹⁹Mo, ⁶⁰Co, etc.). For mixtures of radionuclides, with consideration of space available on the label, the radionuclides that must be shown must be determined in accordance with §173.433(f) of this subchapter.