



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 21 2018

Joe Rodriguez
Quality Manager/EH&S Manager
Lighting Technologies International, LLC
13700 Live Oak Avenue
Baldwin Park, CA 91706

Reference No. 18-0030

Dear Mr. Rodriguez:

This letter is in response to your February 27, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of radioactive material. Specifically, you ask whether a material that does not meet the definition of "radioactive material" in § 173.403 may be transported as a non-hazardous material.

In accordance with § 173.22 of the HMR, it is the shipper's responsibility to properly classify a hazardous material. This Office generally does not perform this function. Section 173.403 defines "radioactive material" as any material containing radionuclides where both the activity concentration and the total activity in the consignment exceed the values specified in the table in § 173.436 or values derived according to instructions in § 173.433. If a material does not meet this definition, then it is not considered radioactive material under the HMR.

Furthermore, if the material does not meet the definition of any other hazard class or division, it is not considered a hazardous material subject to the HMR and may be transported as a non-hazardous material.

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

Sincerely,

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

Patrick
§ 173.403
RAM
18-0030

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, February 28, 2018 4:18 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation, 49CFR 173.403 Definition of Radioactive Material

Hello all,

Please see the below Interp request. I have spoken with the requestor and they are aware of letter 13-0201, but they would like a letter addressed specifically to them.

Regards,
-Breanna

From: Joe Rodriguez [mailto:joe.rodriguez@ltilighting.com]
Sent: Tuesday, February 27, 2018 1:35 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for Interpretation, 49CFR 173.403 Definition of Radioactive Material

Dear Director,

This email is an official request for an interpretation of 49 CFR 173.03.

The definition of Radioactive Material according to 49 CFR 173.403 states: *Radioactive Material means any material containing radionuclides where both the activity concentration and the total activity in the consignment exceed the values specified in the table in 173.436 or values derived according to the instructions in 173.433.*

The question I have is: If the radionuclide I would like to transport is below the criteria called out, and does not meet the definition of "Radioactive Material" as stated in 173.403 can I transport it as non-hazardous?

Thank you so much for your time and attention to this matter. I appreciate your help in clarifying this for me. I will look forward to your formal clarification and official response. If you have any questions or concerns, please contact me directly.

Best Regards,

Joe Rodriguez
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