



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

AUG 16 2002

Mr. Michael S. Krupka
Senior I.H. Specialist
BAE Systems
P.O. Box 0868, M/S MER12-1506
Nashua, NH 03061-0868

Reference No. 02-0173

Dear Mr. Krupka:

This is in response to your letter dated June 6, 2002 requesting clarification of the requirements in § 173.403, under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically, you ask whether your devices meet the defining criteria for "Radioactive instruments and articles".

You state that specifically manufactured bolts contain a sealed 4 uCi Am-241 foil source. Also, you state that the bolts function as static-elimination devices within a Light Detection and Ranging (LIDAR) system or a laser targeting pod used to guide ordinance systems.

Based on the information you provided, it is our opinion that your material would meet the definition of "Radioactive instrument or article" as defined in § 173.403 of the HMR. Should you have further questions, please contact this office.

I hope this satisfies your request.

Sincerely,

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



020173

173.403

BAE SYSTEMS

Beets
@ 173.403
Definition
02-0173

June 6, 2002

Edward Mazzullo, Director
Office of Hazardous Materials Standards, DHM-10
U.S. Department of Transportation
400 Seventh Street SW
Washington, DC 20590-0001

Re: Radioactive articles and instruments

Dear Mr. Mazzullo :

I am writing to request your assistance relative to the application of 49 CFR 173.403 (Definitions) as it relates to "Radioactive instruments and articles".

BAE SYSTEMS obtains bolts that were specifically manufactured to contain a sealed 4 uCi Am-241 foil source. These bolts function as static-elimination devices within a Light Detection and Ranging (LIDAR) system or a laser targeting pod used to guide ordnance systems. The enclosed drawings show an illustration of the 4 uCi Am-241 source assembly i.e. Static Eliminator (first attachment); the cross-sectional views of the source holder (second attachment); and the protective screen (third attachment).

Given the definition as stated in the aforementioned reference, I would characterize these devices as an instrument or article. In an effort to ensure proper characterization of these items, I would appreciate your comments and categorization for concurrence or other designation relative to these anti-static devices. Also, if you need any additional information, please call me at (603) 885-9108.

Sincerely,

Michael S. Krupka

Michael S. Krupka
Sr. I&H Specialist

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