



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, SE
Washington, D.C. 20590

MAY 14 2013

Mr. Timothy Brandon
International Radiation Safety Consulting, Inc.
7 Cabot Place, 3rd Floor
Stoughton, MA 02072

Ref No.: 13-0060

Dear Mr. Brandon:

This is a response to your March 12, 2013 email and email correspondence with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185) with regard to excepted packages for radioactive instruments and articles. Specifically, you request confirmation on the required hazard communication for these packages as well as the applicability of international standards to your shipments.

You state that your product is a timepiece containing a small amount of radioactive material (tritium) to be transported from an international location into the United States. In the situation you describe, the manufacturer is shipping these devices, which are subsequently being forwarded to a sales location for distribution. You intend to transport approximately 300 timepieces in a shipment and state that your packagings conform to the general design requirements of § 173.410 and the other requirements of § 173.424 for excepted packages of radioactive instruments or articles. Your questions are summarized and addressed below.

Q1. Under the International Atomic Energy Agency (IAEA) Regulations, could shipments of these timepieces be excepted from regulation using TS-R-1: 2009 § 107(d)?

A1. No. Paragraph 107 of the IAEA regulations defines the scope of the regulations by listing regulatory exclusions. Timepieces are excluded only after their sale to a consumer.

Q2. Under the International Civil Aviation Association (ICAO) Technical Instructions (TI), could shipments of these timepieces be excepted from regulation using 2;7.2.4.1.1.3(b)?

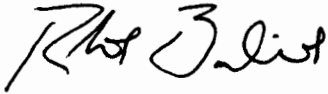
A2. No. ICAO TI 2;7.2.4.1.1.3(b) provides a marking exception for timepieces (timepieces do not have to be marked "RADIOACTIVE" as other instruments and articles do).

Q3. What is the proper hazard communication required for packages containing multiple devices being forwarded to a sales location for distribution, domestically?

A3. In accordance with § 173.424 of the HMR, excepted packages for radioactive instruments and articles are excepted from specification packaging, labeling and marking (except for the UN identification number marking requirement described in § 173.422(a)), and if not a hazardous waste or hazardous substance, shipping papers. Therefore, provided the package containing multiple devices conforms to the activity limits prescribed in § 173.424, the packagings should bear the mark of "UN2911."

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Benedict". The signature is written in a cursive style with a large initial "R".

Robert Benedict
Chief, Standards Development
Standards and Rulemaking Division

Suchak
§ 173.424
RAM
13-0060



Successful Device Approvals

March 12, 2013

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety
Administration

Attn: PHH-10
U.S. Department of Transportation
400 7th Street SW
Washington, DC 20590-0001

Dear Sir or Miss,

Please consider this a request for official interpretation of the US DOT regulations in regard to the following matter.

A manufacturer is shipping consumer commodities, specifically timepieces, containing a small amount of radioactive material from an international location into the US. The watches are labeled as allowed by the Nuclear Regulatory Commission and international nuclear agencies, with a trefoil (radiation symbol) or "H-3." Each device (watch) and shipment contains a quantity of radioactive material below those respective quantities listed in 49 CFR 173.424.

The packages meet the general design requirements, and the shipment meets all of the other requirements of 173.424.

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In what regard may these timepieces be excluded from regulations, as specified in IAEA TS-R-1: 2009 Section 107(d) and ICAO Dangerous Good Technical Instructions: 2011-2012 Section 7.2.4.1.1.3?

Additionally, what is the proper method of labeling the packages containing multiple devices being forwarded to a sales location for distribution?

Thank you for your consideration in this matter.

If you have any questions please call me at 508.577.7427 or e-mail at tbrandon@irsc-inc.com.

Sincerely,

Timothy Brandon
Vice President