



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 packaging 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 blue ink, appearing to read "Robert Benedict".

Robert Benedict
Chief, Standards Development
Standards and Rulemaking Division