



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

SEP 26 2002

Mr. Jim Kostka
Compliance Assistant
Eastern Isotopes, Inc.
P.O. Box 1096
Ashburn, Virginia 20146

RefNo: 02-0165

Dear Mr. Kostka:

This is in response to your May 31, 2002, letter requesting clarification regarding the documentation requirements for Radioactive Material, Excepted Package, and Empty Packaging.

In Docket HM-230 (67 FR 21327; April 30, 2002) Section 173.422 states, consistent with the new marking provisions for excepted packages containing radioactive materials in TS-R-1, we propose to eliminate the requirements in § 173.422(a) for a certification statement for such packages. In addition, in §§ 173.422 and 173.428 we are proposing to add the requirement that excepted package-empty package or empty packaging be marked with the UN identification number.

The International Air Transport Association (IATA) standards do not have official standing under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180); however, the International Civil Aviation Organization's (ICAO) Technical Instructions do have official standing.

Section 171.11 of the HMR authorizes the use of the ICAO Technical Instructions in lieu of the HMR for packaging, marking, labeling, classifying, and describing hazardous materials which are transportation by air or by motor vehicle either before or after being transported by air. Part 2; paragraph 7.9.6 of the ICAO Technical Instructions states that, an empty packaging which had previously contained radioactive material may be transported as an excepted package.

In addition, Part 3; Special Provision A130 of the ICAO Technical Instructions requires that when this material meets the definitions and criteria of other classes or divisions, it must be classed in accordance with the predominant subsidiary risk. Such material must be declared under the proper shipping name



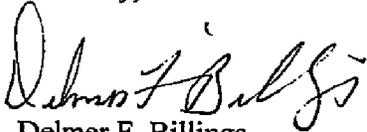
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173.422

and UN number appropriate for the material in that predominant Class or division, with the addition of the name applicable to this radioactive material, and must be transported in accordance with provisions applicable to that UN number.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



 eastern isotopes

May 31, 2002

Edward Mazzullo
Director Office of Hazardous Materials Standards
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590

Dear Sir,

I am seeking clarification on the use of new UN markings, specifically the use of Radioactive Material, Excepted Package, Empty Packaging.

49 CFR 173.422(a)(4) requires the use of UN2910 and the word 'Package', whereas the IATA 43rd edition blue pages requires the use of UN2908 and the word 'packaging'.

I need to display the correct wording on 'marking' on our returning dose containers which are EMPTY after the customer uses the unit dose radiopharmaceutical. These returns come back to us by ground and by air. I would like to make a sign with the proper markings on it to be used both by air and ground.

Please advise.

Sincerely



Jim Kostka
Compliance Assistant
Eastern Isotopes, Inc.

Re: letterford
§173.422(a)(4)

Marking

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