



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DEC 22 2016

Mr. Douglas Shaw  
4605 Industrial Drive  
New Iberia, LA 70560

Reference No. 16-0096

Dear Mr. Shaw:

This letter is in response to your May 31, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to limited quantity packages of Class 7 (radioactive) materials transported by passenger-carrying aircraft. Although not clearly stated, we believe you ask whether the restrictions on the transport of radioactive materials in passenger-carrying aircraft prescribed in § 175.700(a) apply to limited quantity packages prepared in accordance with §§ 173.421 and 173.422.

The answer is no, provided your package is prepared in accordance with § 173.421 and also meets the applicable requirements in § 173.422. That said, as prescribed in § 175.700(a), no person may carry any other radioactive material, such as a Type A or Type B quantity, aboard a passenger-carrying aircraft unless that material is intended for use in, or incident to *research* (See § 171.8 of this subchapter), medical diagnosis or treatment. Section 175.700(a) provides exceptions for radioactive materials prepared in accordance with §§ 173.4a, 173.422, and 173.423, which may be shipped by passenger-carrying aircraft regardless of their end use and are not subject to any other requirements of the HMR, including §§ 173.448(f) and 175.700(a).

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

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**Goodall, Shante CTR (PHMSA)**

Stevens  
175.700  
Special limitations Class 7 Mat  
16-0096

**From:** Rivera, Jordan CTR (PHMSA)  
**Sent:** Friday, June 03, 2016 10:01 AM  
**To:** Hazmat Interps  
**Subject:** FW: PHMSA Enforcement Program Feedback

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Shaw spoke with Eamonn in the Info Center.

Please let me know if you have any questions.

Thanks,  
Jordan

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**From:** Wilson, LeAndrew (PHMSA) **On Behalf Of** HM-Enforcement (PHMSA)  
**Sent:** Friday, June 03, 2016 8:44 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** FW: PHMSA Enforcement Program Feedback

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**From:** PHMSA Webmaster  
**Sent:** Tuesday, May 31, 2016 11:02 AM  
**To:** HM-Enforcement (PHMSA); PHMSA Webmaster  
**Subject:** PHMSA Enforcement Program Feedback

**PHMSA Enforcement Program Feedback**

**Name:** Douglas Shaw

**Organization:**

**Street:** 4605 Industrial Drive

**City:** New Iberia

**State:** Louisiana

**Country:** United States

**Zip:** 70560

**Email:** [doug.shaw@bristowgroup.com](mailto:doug.shaw@bristowgroup.com)

**Phone:** 3373352425

Topic: PHMSA Enforcement Program Feedback

**Question/Comment/Details:** After talking to a representative by phone I was instructed to resubmit this request for written response. I was also informed by Special Agent David Evan, FAA to contact this agency to get clarification. Therefore, I request a written interpretation on the carriage of class 7 radioactive materials. Bristow intends to transport class 7 (radioactive) material with a TI of 0.1 in the Baggage Compartment aboard passenger-carrying aircraft. Our justification to legally provide this service is as follows; 175.700 Special limitations and requirements for Class 7 materials (a) Except as provided in Â§Â§173.4a, 173.422 and 173.423 of this subchapter, no person may carry any Class 7 materials aboard a passenger-carrying aircraft unless that material is intended for use in, or incident to research, medical diagnosis or treatment. Regardless of its intended use, no person may carry a Type B(M) package aboard a passenger-carrying aircraft, a vented Type B(M) package aboard any aircraft, or a liquid pyrophoric Class 7 material aboard any aircraft. (b) Limits for transport index and criticality safety index. A person may carry the following Class 7 (radioactive) materials aboard an aircraft only whenâ€” (1) On a passenger-carrying aircraftâ€” (i) Each single package on the aircraft has a transport index no greater than 3.0; (ii) The combined transport index and the combined criticality index of all the packages on the aircraft are each no greater than 50. My interpretation of this rule based on the letter from the FAA

(<http://docketsinfo.dot.gov/reports/rspa/1999-12/980335.PDF>) is to allow the radioactive material "in the cabin" of a passenger-carrying aircraft provided that it is intended for research, medical diagnosis or treatment. Bristow does not carry any Hazardous Material in the cabin of our aircraft. Since Bristow intends to carry Class 7 in the Baggage compartment fully using the isolation distances listed in 175.706, this exception does not apply. I have had several individuals miss interpret this to mean that only medically related materials could be carried by a passenger aircraft regardless of the storage location. Our position is stated by 175.700,(b)(1)(i) and (ii)

single package of UN2916, "Radioactive Material, Type B (U) package" with a T.I. = .1 shipped in a "Spec-150 package" marked as "USA/9263/B(U)-96". Also, it appears that the United States Nuclear Regulatory Commission has also addressed this issue as recent as March 16, 2016. USNRC stated "radioactive materials prepared for shipment under the provisions of 49 CFR 173.421 or 49 CFR 173.422 are not subject to the requirements of the Hazardous Materials Regulations (HMR: 49 CFR Parts 100-199) when transported by air. Limited quantities of radioactive materials (49 CFR 173.421) or exempted instruments or articles (49 CFR 173.422) may be transported in carry-on or checked baggage on a passenger aircraft. Radioactive materials prepared in accordance with 49 CFR 173.421 or 49 CFR 173.422, may be carried on a passenger aircraft regardless of the end use of the material. The provision in 49 CFR 175.700 (c) that limits the carriage of radioactive material in carry-on luggage to materials intended for use in, or incident to, research, medical diagnosis or treatment, would not apply." Here is the link to the United States Nuclear Regulatory Commission web page (Page Last Reviewed/Updated Thursday, March 31, 2016) that addresses this issue; <http://www.nrc.gov/about-nrc/radiation/protects-you/hppos/hppos241.html> I await your written response in order to carry Class 7 (radioactive) materials in the baggage compartment of a passenger-carrying aircraft, with a single package on the aircraft having a transport index less than 3.0 to our customers.